

**AUTONOMY
IN NICARAGUA AND NUNAVUT
A COMPARATIVE STUDY
IN SELF-DETERMINATION**

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ABSTRACT

This thesis examines the concept of self-determination, as defined by competent international agencies. Analyzing the *Nunavut Land Claims Agreement* and the *Estatuto de la Autonomía de las Regiones de la Costa Atlántica de Nicaragua (Autonomy Statute for the Regions of the Atlantic Coast of Nicaragua)*, this work proposes that these two laws of legislation do provide a starting point for the Inuit and the Miskitu-nani to definitely begin to work towards achieving a degree of self-determination within the nation-states in which these peoples live.

After analyzing the historic development of the concept of self-determination and placing the Inuit and the Miskitu-nani in a theoretical framework of internal colonization, this work looks at the history and background of both peoples as well as at the final documents: the *Law of Autonomy*, the *Nunavut Final Agreement* and the *Nunavut Law*. Following a comparison and an analysis of these agreements, it is proposed that they represent an initial political step that, by providing some self-administration, potentially opens a road to self-determination for these Aboriginal nations — self-determination as defined by international agencies and accepted by most member states of the United Nations.

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CHAPTER 1

INTRODUCTION AND OBJECTIVES

According to an Aymara legend, *Pachakamaq* (He Who Orders the Universe) arose from Lake Titicaca, made men, women and babies in *totoras* cradles and then commanded: "*Aliriña* (Arise)". From the springs and caves of the earth the people emerged in the *Tiwanaku* (the oldest Andean civilization). Today, again, Indigenous peoples world-wide are arising to state unequivocally that we *are* a people. *Aliriña!!*

Aboriginal issues have risen to prominence both nationally and internationally, particularly since 1992, the five hundredth anniversary of Columbus' arrival on the Caribbean shores, the event which marked the symbolic beginning of the colonization of an entire "new world". With this anniversary and the accompanying increase in media attention upon the words and actions of Aboriginal people around the globe, there appears to be a growing and unified determination to oppose both internal and external colonialism to which Indigenous peoples have been subjected since European arrival in this hemisphere. Aboriginal people are also struggling against the resulting centuries-long exclusion from participation in the economic, political and cultural life of dominant Western-style society. One consequence of the Aboriginal struggle is that

non-Aboriginal peoples now realize that Native people, as first inhabitants, did have their own economies, laws, social, civic and spiritual life, in effect, full self-determination before the arrival of the Europeans. There is also an awareness that for more than five hundred years, Native people throughout the Americas have been resisting conquest, colonialism, policies of assimilation and neocolonialism.

At present, political challenges such as defining self-determination and achieving Aboriginal self-government as a component of self-determination are at the top of the Indigenous agenda, particularly in the Western Hemisphere. Since both the Inuit in Canada and the *Miskitu-nani*¹ in Nicaragua constitute a majority of the population in a territorial domain and have confronted these challenges, I have chosen them as the focus of my study. These peoples have been involved in a similar process of negotiating with their respective governments to improve their conditions and to expand and consolidate their rights. The Miskitu-nani have formulated their demands in the Law of Autonomy and the Inuit have negotiated a comprehensive land claim with the government. Although these agreements have yet to be fully implemented, the documents may be considered as a basis for the provision of some degree of self-determination and self-government in the future. These agreements are: the *Nunavut Land Claims Agreement* and *Nunavut Law*, which deals with the Inuit in Canada; and the *Estatuto de la Autonomía de las Regiones de la Costa Atlántica de Nicaragua* (*Autonomy Statute for the Regions of the Atlantic Coast of Nicaragua*), which includes the *RAAS* (Autonomous Region of the South Atlantic) in the south and the *RAAN* (Autonomous Region of the North Atlantic) in the north, though the analysis will only focus on the *RAAN*.

The Nunavut and Autonomia agreements will be examined to see whether they provide any degree of self-determination for the Inuit in the Eastern Arctic of Canada and the Miskitu-nani in Nicaragua.

The idea of recovering "self-determination" for Indigenous peoples is properly understood only in the context of the process these peoples went through in losing their autonomy. Upon European arrival on the continent Indigenous people were obliged in varying degrees to: **(1)** change the technology they had developed to meet their basic needs and become incorporated into another economic system producing for Europe initially and later for the global capitalist system sustained by the system of **nation-states**; **(2)** change the complex of norms and institutions by which they had organized their social life, and adopt the Western style; and **(3)** alter, or completely change, their existing body of knowledge, beliefs and values. New and foreign social systems were imposed on them. Some were imposed militarily, socially, or politically, while others were established through dependence on European goods, as exemplified by the fur trade. The expropriation of land, control of the people and the imposition of cultural norms, through colonization, were processes which remained in force for Indigenous people even after independence. This process is called internal colonialism.

The new Nunavut Territory and the Nunavut Government will not take effect until April **1999**. The **RAAN** and **RAAS** were only partially implemented in **1987** and the Autonomy Law was not ratified by the **Violeta Chamorro** administration until **1994**. Hence there is no significant period of lived history under either agreement which could be examined in this thesis. Similarly, there is a dearth of analytic literature dealing

directly with either agreement. For this study, the primary sources have been the legal documents themselves, and the several supporting documents and implementation documents. The author also met with representatives of the Nunavut Tunngavik, Simona Arnatiq-Barnes, Implementation Director, John Merrit, a lawyer for the Tunngavik in the negotiations, and a member of the Nunavut Implementation Training Committee, Bill Logan. Apart from receiving copies of all the legal documents from the Department of Indian Affairs and Northern Development, the author was unable to meet with any federal or Canadian government official with direct knowledge of Nunavut. Sources in the RAAN, the Nicaraguan government, and the Nicaraguan Embassy were also of little assistance in providing documentation subsequent to the Autonomy Law.

Chapter Two of this thesis searches for an accepted understanding of the definition of the concept of self-determination within international forums which might therefore be recognized by nation-states. Self-determination, as employed here, depends on the definition of the concept accepted by the governments of Nicaragua and Canada. At present it is possible to determine how either the *Autonomy Law* and the *Nunavut Final Agreement* will affect the Miskitu-nani and the Inuit self-determination within these nation-states, from the starting point of self-administration.

In Chapter Three we choose the approach of dependency expressed directly in internal colonialism as the theoretical framework. Internal colonialism is the condition in which the Inuit and the Miskitu-nani found themselves up to the moment of accepting either law.

Chapters Four and Five focus on the history of the Atlantic Coast of Nicaragua and the Eastern Arctic of Canada respectively and situate the Inuit's and Miskitu-nani's struggles within the context of internal colonialism. These chapters also briefly look at the developing idea of regional autonomy for the **Miskitu-nani**, and of a province-like territory for the Inuit.

Chapter Six analyzes the Nunavut Agreement and the Law of Autonomy. In the light of the parameters defining self-determination set in Chapter Two, it compares the two documents and determines whether the *Nunavut Land Claim Agreement/Nunavut Law* and the *Estatuto de la Autonomfa de las Regiones de la Costa Atlantica de Nicaragua (Autonomy Statute for the Regions of the Atlantic Coast of Nicaragua)* offer self-determination to either Indigenous people. Chapter Seven is the conclusion.

An examination of the Autonomy Law and of the Nunavut agreement has the potential of making an original contribution to the field of Native Studies especially in relation to the idea of Indigenous self-determination. The sixth Chapter draws a conclusion to the question of whether self-determination is offered by either law, and attempts to project some of the potential effects, opening the field for further scholarly exploration of other possibilities for Aboriginal-controlled forms of government for the Indigenous peoples of the Americas.

NOTES

1. Several ways have been used to spell the word. The most common usage (both in English and Spanish) *Miskito* and *Miskitos* as the plural. However, the people themselves prefer *Miskitu* and its plural form, Miskitu-nani. Therefore we will employ the latter form. See Roxanne Dunbar Ortiz, "The Miskito Indians of Nicaragua," *The Minority Rights Group Report*. (London: *MRG*, 1988), p. 14.

CHAPTER 2

SELF-DETERMINATION: SETTING THE PARAMETERS

This chapter examines the evolution of the concept of self-determination as it has been successively defined by bodies of the United Nations. It then considers the implications of those definitions for Aboriginal peoples, specifically with respect to two distinctive land statutes: the *Nunavut Land Claims Agreement/Nunavut Law* and the *Estatuto de la Autonomía de las Regiones de la Costa Atlántica de Nicaragua* (*Autonomy Statute for the Regions of the Atlantic Coast of Nicaragua*).

Self-Determination: A Brief History

The concept of self-determination finds its principal antecedents in the late 18th century. I. Brownlie noted in his 1970 historical inquiry, "An Essay in the History of the Principle of Self-Determination," three main ideas that were already embodied in the 18th century concept of self-determination:

The ideological roots of self-determination are to be found in at least three distinct but related concepts which can be traced in the history of Western philosophy. The first is that of the equality of men ... The second is that man, as a rational being, has the possibility of choice even though it may be limited ... The third concept is that of *social contract* and this has proved the most dynamic in the present connection [emphasis added].¹

There is a logical progression here. The first idea of this progression, equality, is the foundational concept. If all persons are not considered equal, if the concept is not even a philosophical ideal, why would anybody feel obligated to grant self-determination and why would anyone have the temerity to expect it or **struggle** for it? Equality is the great legitimator. Similarly the second concept, the possibility of choice, justifies the struggle to shape one's destiny. Of Brownlie's three tenets, the third philosophical principle, the social contract, is especially important in the search for self-determination, since the particular laws under discussion are the result of either contracts or agreements between Aboriginal peoples and their respective federal or central governments.

In *Self-Determination in International Law*, U.O. Umozurike traced the origin of the word self-determination to the German term *selbstbestimmungsrecht* (the right of self-government), which German radical philosophers were using in the mid-nineteenth century.² In 1896 the London International Socialist Congress incorporated the idea of self-determination in one of its resolutions, by declaring that the Congress "upholds the full rights of the self-determination (*selbstbestimmungsrecht*) of all nations."³ However, self-determination as a functional political precept developed predominantly because of the Bolshevik revolution and the demise of the Russian, Austro-Hungarian and Ottoman Empires after the First World War.⁴ The principle of self-determination, therefore, developed as a result of positing the right of a nation to total independence as a

sovereign power. The proposition was vehemently defended by the European political left for the most part. For example, in 1913 Joseph Stalin elaborated the Bolshevik position on this question. Stalin's proposition later acquired international relevance since it became a banner all over Europe and more so in what would become known as the Third World. In his 1912 monograph entitled *Marxism and the National Question* Stalin stated:

The right of self-determination means that a nation may arrange its life in the way it wishes. It has the right to arrange its life on the basis of autonomy. It has the right to enter into federal relations with other nations. It has the right to complete secession. Nations are sovereign, and all nations are equal.'

Proving that he was aware of the implications of his words, Stalin said in 1948 that the Bolsheviks would not support demands for self-determination for any nation within the Soviet Union.⁶ Even though Stalin was not accepting self-determination for national republics within the Soviet Union, he considered them unequivocally as nations. Obviously his statement requires a doctrinaire definition of a nation and Stalin provided one:

A nation is a historically evolved, stable community of people, formed on the basis of a common language, territory, economic life, and psychological make-up manifested in a common culture.⁷

Stalin understood "economic life" as the way of life of class-conscious working men and excluded capitalist exploiters from his definition of people or nation. His concept of national identity manifested in a common culture differs from the definition of a nation in the capitalist states which, according to F. Wilmer, "... is a set of institutions through which control over territory, resources, and people is asserted for the purpose of economic mobilization in order to create surplus value."⁸

J. Bodley noted that among many other academics, B. Nietschman has insisted that one of the main differences between a nation-state and a nation is that "... the nation-states are actually composed of many such 'nations' that have been arbitrarily forced under the same government administration, often as a heritage of colonialism."⁹ Early colonizing nations of the capitalist states profited from the exploitation of others who in turn became nations with ethnic minorities.

After the October Revolution in 1917 the Bolshevik government, centralized in Moscow, maintained solid control over the Union of Soviet Socialist Republics. At the same time, the consolidation of a Socialist economic, social and political system in the Soviet Union provided a model whose very existence encouraged nationalist and anti-capitalist nations in Latin America, Asia and Africa to seek self-determination as a political goal in their struggle against colonial oppression by the imperialist powers. This tendency was strengthened because of the rapid growth of national movements which developed after World War II. Populist national movements received encouragement and strategic support from the newly emerged East European bloc.¹⁰

In 1945, the Soviet Union requested an amendment to the 1944 Dumbarton Oaks proposals for the creation of an international political organization, later the United Nations. This amendment added the phrase "based on respect for the principle of equal rights and self-determination of peoples" to the first and ninth chapters." Thus, the principle of self-determination was incorporated into the Charter of the United Nations and later it evolved into the *right of self-determination* of peoples. Self-determination, as a right, was seen as a major international accomplishment. The 1955 International

Congress of Jurists in Athens asserted the significance of this concept by including the following:

The recognition of the right to self-determination being one of the greatest achievements of our era and one of the fundamental principles of international law, its non-application is emphatically condemned.

Justice demands that a people or an ethnic minority be not deprived of their natural rights and especially of the fundamental rights of man and citizens or of equal treatment for reasons of race, colour, class, political conviction, caste or creed.¹²

However, even if nation-states subscribed to the right of self-determination, the idea of "equal treatment" is complicated. "Equal" could be easily interpreted as meaning "the same", with no special rights, as proposed, for example, by the Canadian government in the 1969 "White Paper". One should also note that nations still struggling to hang on to colonies seeking self-rule have contended that they already recognize the rights of so-called "ethnic minorities". There appears to be a contradiction between declaration and practice. In fact, the greatest obstacle to the self-determination of peoples may not be in the failure of nation-states to declare their adherence to the principle, but rather in their excluding their own situations in the practice.

Who are a "People"?

Historically the concept of self-determination ~~was~~ associated primarily with the independent European nation-states. Currently, however, the definition of self-determination employs the term "peoples"¹³ in the concept. For Indigenous populations the word "peoples" has the connotation of nation as a social and cultural construct.

Aboriginal groups describe themselves as nations (peoples) precisely because of their common history, language, culture, territory, and economies and political interests.¹⁴ This idea of nation (peoples) is not necessarily limited to the political and jurisdictional context of the nation-state.

There is a continuing ambiguity in all international documents that define concepts such as peoples and nation.¹⁵ The confusion surrounding the definition in the international arena becomes even more acute within nation-states. On October 12, 1970, the U.N. General Assembly resolution no. 2621 (XXV) reaffirmed

... that all peoples have the right to self-determination and independence and that the subjection of peoples to alien domination constitutes a serious impediment to the maintenance of international peace and security and the development of peaceful relations among nations ...

and adopted a program of action to assist the implementation of its earlier Declaration on the Granting of Independence to Colonial Countries and Peoples.¹⁶ While this resolution accepts the right of all peoples to self-determination, it could be understood as confining the idea of all peoples to existing nation-states only, given the reference to maintaining international peace. It could also apply to groups such as the Palestinians, officially recognized as a distinct people by international forums. However, after W.W. II and as a consequence of the anti-colonial struggles, it was understood that those peoples subjugated by colonialism could expect some self-determination within the territorial jurisdiction of existing nation-states. Therefore, self-determination became accepted, in international forums, as a concept applying both within and outside the nation-state. Since the founding of the U.N. in 1945, numerous resolutions, proposals and drafts have dealt with "the right of all peoples and nations to self-determination."

This right of all "peoples" suggests a quasi-legal context for the term "people".

International News pointed out:

... almost every government objects to the recognition of an unqualified right to self-determination, for reasons we are all too familiar with: Indigenous peoples are not peoples under the meaning of international law; self-determination is limited to colonial contexts; self-determination can pose a threat to territorial integrity and State sovereignty.¹⁷

These are key elements when discussing Indigenous peoples. Their recognition **as** "peoples" is vital to any idea of self-determination and this concept itself should be broadened. Indeed, in 1972, Umozurike suggested that the term should be broadened to include

... the right of all *peoples* to determine their political future and freely pursue their economic, social, and cultural development. Politically this is manifested through independence, as well **as** self-government, local autonomy, merger, association, or some other form of participation in government. It operates both externally and internally to ensure democratic government *and the absence of internal and external domination*. Thus the principle of self-determination is relevant to peoples in dependent and independent territories alike [emphasis added].¹⁸

Umozurike referred to external self-determination as the right of peoples to decide their status within the international sphere, while internal self-determination is the right of peoples to choose a form of government under which they wish to live.¹⁹

In light of this understanding of self-determination as "the absence of internal and external domination," how can the idea of freedom from internal domination for Indigenous People be understood? Again, the specific terms *nation* and *peoples* are not clearly defined; these terms seem to be applied in international forums only to existing nation-states and this creates difficulties in applying the definition to Indigenous people.

Numerous international forums such as the Human Rights Commission, the Jurists Commission, International Alert and Amnesty International agree with the U.N. definition of the principle and right of self-determination of "peoples." In 1981, a United Nations Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, A. Cristescu stated:

In referring to self-determination, all the main instruments of the United Nations—the Charter, the International Covenants on Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations—*identify* it [self-determination] as a right of peoples [emphasis added].²⁰

Self-determination as a right could be applied to all peoples who hold (or who held until dispossessed) a common language, spirituality, territory, and/or economic life. The idea is asserted in subsequent international declarations. In the 1980 International Covenant on Economic, Social and Cultural Rights signatory states, including Canada and Nicaragua, agreed that:

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development (emphasis added).
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.²¹

The word "peoples" again is not specifically defined. The typical interpretation of the right to self-determination at the United Nations' forums applies solely to individuals from minority or ethnic groups within nation-states, but not collectively to the group itself. Canada, for example, has supported the principle that "... Indigenous *peoples* share equally with non-indigenous people in all human rights [emphasis added]."²² By using the singular word "people", Canada "... seems to support the equal rights of individuals," in contrast to supporting groups that see themselves **as** distinct societies.²³ Indigenous peoples do not consider themselves as "minorities" or as "ethnic groups" but as "peoples", a concept equated with nations.

The 1980 International Covenant ~~was~~ reflected in the "Draft Declaration of Principles Proposed by the Indian Law Resource Centre, Four Directions Council, National Aboriginal and Islander Legal Service, National Indian Youth Council, Inuit Circumpolar Conference, and the International Indian Treaty Council" of 1985. The latter draft elaborated in detail the specific rights of Aboriginal peoples with regard to self-determination and recognition of Indigenous nations. The declaration includes the right of Aboriginal peoples to freely negotiate their political status, their entitlement to control and the enjoyment of their ancestral-historical territories. It also included the recognition of their right to exercise their laws and customs by their nation-states' legislative, administrative and judicial institutions, and it ensured the right to return to social, political, economic, and cultural autonomy, within the existing borders of the nation-states.

This 1985 Draft Declaration concluded:

In addition to these rights, *indigenous nations and peoples* are entitled to the enjoyment of all human rights and fundamental freedoms enumerated in the International Bill of Human Rights and other United Nations instruments. In no circumstances shall they be subject to adverse discrimination [emphasis added].²⁴

The 1985 Draft Declaration makes specific reference to "indigenous nations and peoples". While all the U.N. documents and agreements invariably use the term "all peoples" when discussing the right of self-determination, the U.N. does not directly address the issues of Indigenous peoples.

There is general agreement, within international agencies, that self-determination is the right of peoples to decide their political status and seek their own economic, social and cultural improvement without foreign or outside intervention. The implementation of the right to self-determination has been left to the particular parties involved. However, there seems to be reticence about defining Indigenous peoples as peoples because they have been considered, in the words of P. Lepage, "not 'sufficiently evolved' or as not having achieved the level of *development* deemed essential to exercise the right to self-determination"²⁵ [emphasis added]." Echoing Umozurike, in 1993 the Martin Ennals Symposium defined self-determination as a right of all peoples using the same terms of the International Covenant.²⁶ The same year, in the Draft *Declaration on the Rights of Indigenous Peoples*, the Working Group on Indigenous Populations reported to the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities that the Charter of the United Nations, the International

Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, all

... affirm the fundamental importance of the right of self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development.²⁷

The above statements of principles are applicable only within the existing political structures and international covenants; consequently, the act of social revolution (the subversion of the system, or the status quo) is not acceptable as the means to "freely determine their political status." Interestingly, Umozurike's definition, the International Covenants, the Draft Declaration on the Rights of Indigenous Peoples, and the Martin Ennals' Final Report, all employ the same phrases. This suggests a diplomatic consensus in international political language which lends itself to multiple interpretations of international law. The final interpretation, however is imposed, invariably, by those who hold the political, social, economic and military power.

Even though some progress has been made in achieving self-determination for Indigenous peoples, there remain huge political stumbling blocks. One of the most important political problems in implementing self-determination is the political definition of "a people." In order to claim the right of self-determination, a group must be defined politically as a people, yet there is no single definition agreed upon by international agencies of what makes up a people. Consequently, there is no definitive method to address the issue of the status of Aboriginal peoples within a given State or, for that matter, within the United Nations. A definition of Aboriginal peoples as peoples that once were independent, ruled themselves and achieved certain and sufficient

levels of material wealth would include their right to self-determination. The formulation of a workable definition is the major objective of current Aboriginal movements. The Nunavut Constitutional Forum (NCF) stated in a brief: "What we want is to have the tools to run our own lives and to participate as equals in the greater life of Canada as a whole."²⁸ Even though this statement refers to equality, we should note that the encompassing "we" alludes to the fact that the NCF refers specifically to the Inuit peoples as a distinct people with special rights within Canada and does not include ethnic groups which are not native as a group to Canadian soil.

International agencies continue to discuss the concept of self-determination without having reached a definition which would include Indigenous peoples. Needless to say Indigenous peoples, by and large, were not consulted since the discussion has been confined to experts such as, "... government officials, missionaries, anthropologists," and others who "endlessly debated the best policies for indigenous peoples,"²⁹ This situation was evident, for example, in the Martin Ennals conference where, even though leading experts participated on the topic of Self-Determination for Peoples, there was no agreement in defining who are "a people." The final report conceded that "the lack of a precise definition of the term 'peoples', which might have been an advantage at one time, had now become an obstacle to legal and political development."³⁰ The difficulty increases when dealing with the category of "peoples' rights," which could be applied to Aboriginal peoples, who may have very different approaches to the objective of achieving control over their traditional lands.³¹

Both the *Law of Autonomy* of Nicaragua and the *Nunavut Land Claim* of Canada address the issue of "peoples' rights". J. Crawford in *The Rights of Peoples* classified these rights in three major categories:

The first, the principle of self-determination ... A second is the right of peoples to existence which ... incorporates both the right not to be subjected to genocide (a right with respect to which the Genocide Convention adopts the broadest definition of 'group') and the right not to be deprived of one's means of subsistence ... The third example is the right of peoples to permanent sovereignty over their natural resources, although ... some of the international texts tend to conflate this with the right of governments, that is to say, of State structures.³²

Based on several other U.N. Covenants, the Charter, and General Assembly resolutions, the Martin Ennals Conference on Self-Determination, as one more international attempt to seek such an agreement on the question of who make up a "people", confirmed the definition in the 1990 UNESCO final document from the meeting of Experts on Further Study of the Rights of Peoples in Paris. The following characteristics were stipulated as essential before a people could claim the right to self-determination in international law:

1. A group of individual human beings who enjoy some or all of the following common features:
 - (a) a common historical tradition
 - (b) racial or ethnic identity
 - (c) cultural homogeneity
 - (d) linguistic unity
 - (e) religious or ideological affinity
 - (f) territorial connection
 - (g) common economic life;
2. The group must be of a certain number who need not to be large (e.g. the people of micro states) but must be more than a mere association of individuals within a state;
3. The group as a whole must have the will to be identified as a people or the consciousness of being a people - allowing that groups or some members of such

groups, though sharing the foregoing characteristics, may not have the will or consciousness; and

4. Possibly, the group must have institutions or other means of expressing its common characteristics and will for identity.³³

The Miskitu-nani and the Inuit meet most of these criteria. Yet to date the UNESCO proposal for a definition of the term "peoples" has not been formally accepted by the U.N. or by individual member nation-states. A possible reason for its failure to do so may be that an official recognition of the term "peoples" would carry political, economic and legal implications which could be unacceptable to some member states of the United Nations.

One of the main accepted premises of understanding national identity by present nation-states has been that all people (Aboriginal and non-Aboriginal) are equal under the law of the land in which they live. This status fails to recognize Indigenous peoples as original inhabitants of the land or the irreconcilable difference in values between Indigenous peoples and the dominant cultures that have colonized them. In stressing the distinctiveness of Indigenous peoples as peoples within the nation-states, Erica-Irene Daes, Chairperson of the U.N. Working Group on Indigenous Populations, stated that the United Nations cannot pretend, "... for the sake of convenient legal fiction," that there is no difference between Aboriginal and non-Aboriginal peoples. In her intervention at the Martin Ennals conference Daes stressed that:

[Indigenous peoples] have their own specific languages, laws, values and traditions; their own long histories as distinct societies and nations; and a unique economic, religious and spiritual relationship with the territories in which they have so long lived. It is neither logical nor scientific to treat them as the same "peoples" as their [non-Aboriginal] neighbours, who obviously have different languages, histories and cultures, and who often have been their oppressors.³⁴

Aboriginal peoples have always maintained their uniqueness; thus to equate Aboriginal peoples without qualification with the rest of society is to deny these peoples' distinctive history which entitles them to some form of self-determination appropriate to their unique situation.

U.N. documents, and academic and political discussions on self-determination clearly show that there is no common approach to the definition of self-determination with regard to Indigenous peoples. There is general agreement on the principle or the right of peoples who meet most of the criteria for nationhood to govern themselves. There is no legal definition of the political concept of self-determination, because the sovereign power of a nation-state would be challenged and vulnerable if it were forced by an external authority to concede self-determination or autonomy to peoples within its borders. Although U.N. declarations have elevated the concept of self-determination to a quasi legal rule of contemporary international law, the U.N. has no power to implement its declarations.³⁵

Self-determination could be interpreted as an unconditional right of a distinct group of people to secede from the nation-state. Self-determination in this case is equated with sovereign independence. On the other hand, self-determination could also mean partial or internal autonomy. The Inuit and the Miskitu-nani have struggled for the latter interpretation because they have not been demanding secession. In the words of Inuit Mark Gordon "... we just want it [the government] to give us the means to solve them [our problems] ourselves. · We need resources and autonomy to be able to do it."³⁶

Gordon's statement represents one of the several interpretations of self-determination.

There is no unanimous understanding of what self-determination may mean for Aboriginal peoples as distinct societies. For some, as the Inuit, it involves the creation of an autonomous territory. For Aboriginal peoples in Saskatchewan, self-determination involves the development of a third level of **government** parallel to federal and provincial governments. The Miskitu-nani have asked for the right to establish and maintain partial international linkages with the approval of the central government. Indigenous peoples have more in common in their approaches to self-determination than differences since they all share a similar understanding about human responsibility and collective caring of the land. They share the belief that the land is sacred and above all that there is the imperative need to regain control over their lives. They differ only in the degree of autonomy which they desire in order to ensure their future. This is conclusively illustrated in George Manuel's "Fourth World" idea as he stated:

The celebration of the Fourth World, its real test of strength, and its capacity to endure, lies more with our grandchildren than with our ancestors. It is they who must cultivate the tree as a whole and honour the unique qualities of each root and branch.³⁷

For Indigenous peoples self-determination means the right of their children and themselves to have the opportunity to cultivate with pride the values of the Indigenous peoples and to create a better life based on their own peoples' historical experience. Discussions and negotiations with governments would determine the political form these aspirations will assume.

For the purpose of this study, we will use the working concept defined in the International Covenant on Economic, Social and Cultural Rights,³⁸ and based on the

1990 UNESCO criteria defining a people. This thesis will examine whether the *Nunavut Land Claim Agreement* and the *Law of Autonomy* promote self-determination, not with reference to the existence of the right of self-determination as an abstract idea, but rather with a view to the political implementation of the concept within the Indigenous communities. This means we will be testing whether or to what extent they will provide for the freedom of these Indigenous nations to develop their political, social, and economic autonomy within Canada and Nicaragua based on the concept of decolonizing Indigenous populations.

Implications of International Definitions

As long as governments equate the concept of self-determination with the idea of secession it will be virtually impossible for Indigenous peoples to achieve their goals. During the early 1980s the Miskitu-nani of Nicaragua captured national and international attention through a chain of events related to the 1979 Sandinista revolution that deposed the Somoza dynasty. Much of the attention derived from the fact that the Miskitu-nani began resisting by force the Sandinista policies. The discontent of the Miskitu-nani was politically exploited by the United States government and the Counter Sandinista Forces (Contras) against the newly established Sandinista administration. Nicaraguan Miskitu-nani became directly involved in the war against the new regime in 1982. The U.S. campaign, the activities of the Contras, and the Miskitu-nani confrontation against the regime all increased in the following years.

In 1987, in an attempt to maintain national unity and divert the Miskitu-nani and other Atlantic Coast communities from supporting the Contras, the Sandinista government signed The *Law of Autonomy* for the North and South Atlantic Regions of Nicaragua. Thus the Autonomous Northern Atlantic Region (RAAN) and the Autonomous Southern Atlantic Region (RAAS) were officially created, granting their populations a land base and an autonomous form of government. The autonomy applies to the region as a whole, not as a separate right for each minority group. The Miskitu-nani, as a distinct national group however, enjoy a *de facto* autonomy as long as they continue to constitute the majority of the population of the region. In the southern region (RAAS) since the Mestizos are the majority rather than the Indigenous population, no Indigenous group can expect to have control of the government.

In Canada the situation of the Inuit is comparable to that of the Miskitu-nani. Since the early 1960s the Inuit of the Atlantic and Central Arctic of Canada have proposed the creation of a new Territory or Province. These political units would permit the Inuit to cease being wards of the Canadian government and enable them to deal with the pressing needs of their society with greater independence.³⁹ After several decades of discussions and lengthy negotiations, the Government of Canada and the Inuit have signed an agreement that provides for both the settlement of a land claim with the Inuit, including their ownership of some of their traditional lands, and the creation of the Territory of Nunavut, providing the Inuit with the opportunity to manage their own affairs through a public form of government because they are the overwhelming majority of the population in the region. The main thrust of these two agreements raises the

question: what degree of self-determination or autonomy can the Inuit and the Miskitunani obtain as recognized Indigenous nations, or distinct societies, within the nation-states in which they live?

Neither Canada nor Nicaragua defines self-determination in either law. Therefore it is important to point out that there is work to be done in terms of achieving a legal and political agreement on such definition. Nevertheless, both the *Nunavut Land Claim Agreement*, and the *Law of Autonomy* permit the Inuit and the Miskitunani to develop some form of autonomy and therefore a degree of self-determination through their control of a regional public government as long as these peoples constitute a majority. Whatever the result of these agreements between the Inuit and the Miskitunani and their respective federal or central governments, the laws will have an important political impact. These laws will test the possibility of achieving meaningful self-determination for national groups controlling a land base within a nation-state.

NOTES

1. Ian Brownlie, "An Essay in the History of the Principle of Self-Determination," in *Grotian Society Papers 1968: Studies in the History of the Law of Nations* (The Hague: Nijhoff, 1970), 91.
2. Umozurike Oji Umozurike, *Self-Determination in International Law* (Hamden: Archon Books, 1972), 3.
3. Ibid. Umozurike took this quote from V. Lenin's, *The Right of Nations to Self-Determination* (New York: International Publishers, 1951), 42.
4. Darlene M. Johnston, "The Quest of the Six Nations Confederacy for Self-Determination," *University of Toronto Faculty of Law Review* 44, no. 1 (Spring 1986): 6.

5. J. Stalin, *Marxism and the National Question: Selected Writings and Speeches* (New York: International Publishers, 1942), 23. It is interesting to note that Stalin added: "This, of course, does not mean that Social-Democrats will support every demand of a nation. A nation has the right even to return to the old order of things; but this does not mean that Social-Democrats will subscribe to such a decision if taken by any institution of the said nation."

6. Milovan Djilas, *Conversations with Stalin* (New York: Harcourt, Brace and World, 1962).

7. Stalin, *Marxism*, 12.

8. Franke Wilmer, *The Indigenous Voice in World Politics* (London: Sage Publications, 1993), 201.

9. John H. Bodley, *Victims of Progress* (California: Mayfield Publishing, 1990), 59.

10. Some Soviet authors proposed that: "The socialist community has become a factor which exerts a *direct* influence on a global scale, making itself substantially, and frequently even crucially felt in virtually every key area of the world and in all the major international issues.

The fundamental changes in the world political climate and in the structure of international relations, which are favourable for the liberation movement, are also expressed in the establishment of new type of relations between the socialist countries and also between them and the developing countries." K. N. Brutents, *National Liberation Revolutions Today*, vol. 1 (Moscow: Progress Publishers, 1977), 290.

11. Umozurike, *Self-Determination*, 220.

12. Ibid., 185. Committee on Public Law, Resolution 3.

13. Subrata Roy Chowdhury, *The Genesis of Bangladesh* (New York: Asia Publishing House, 1972), 193. Chowdhury gave a list of some of the most important conventions and covenants dealing specifically with the issue of self-determination among nations: "(i) The Declaration on the Granting of Independence to Colonial Countries and Peoples, General Assembly Resolution 1514 (XV) of 14 December, 1960, and Resolution 1541 (XV) of 15 December 1960; (ii) The Declaration on the Elimination of all Forms of Racial Discrimination, General Assembly Resolution 1904 (XVIII) of 20 November, 1963 and the Convention on the Elimination of Racial Discrimination of 1966; (iii) the General Assembly Resolution 2200 (XXI) of 16 December 1966 approving the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and (iv) the adoption of the Proclamation of Teheran, 1968, by a United Nations Conference on Human Rights."

14. Stalin described the original concept of nation as "... a historical category belonging to a definite epoch, the epoch of rising capitalism. The process of elimination of feudalism and development of capitalism was at the same time a process of amalgamation of people into nations [in Europe]." Stalin, *Marxism and the National Question*, 17.

15. In a conversation with Stalin, Yugoslavian writer Milovan Djilas reported that in 1948, in response to a question relating to the difference between "people" and "nation," Soviet Minister of Foreign Affairs (1939-1949 and 1953-1956), Viacheslav Molotov answered: "'People' and 'nation' are both the same thing." Stalin did not agree and responded: "'Nation'? You already know what it is: the product of capitalism with given characteristics. And 'people'--these are the workingmen of a given nation, that is workingmen of the same language, culture, customs." Djilas, *Conversations*, 156-57.

16. "Programme of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Resolution 2621 (XXV)) 12 October 1970." Appendix "F" in Umozurike, *Self-Determination*, 289.

17. "First Session of the Open-ended Working Group of the Commission on Human Rights," *Nouvelles Internationales HSD International News* 4, no. 1-2 (January 1996): 2.

18. *Ibid.*, 3.

19. In the search to choose a form of freedom and government under which people wish to live, one should remember the struggles of so-called Third World countries in the late sixties and seventies. Also the struggles of Central American political movements and governments (like Nicaragua), African countries like Mozambique, Angola and Namibia, among others, and the struggles of many of the former Soviet Union and Eastern Block nations. All of them have waved the flag of SELF-DETERMINATION. The Charter of the United Nations in Articles 1 and 55 expressly establishes "the right of all peoples to self-determination." Aureliu Cristescu, *The Right to Self-Determination: Historical and Current Development on the Basis of United Nations Instrument* (New York: United Nations, 1981), 2.

20. *Ibid.*, 30.

21. Report of Canada on articles 6 to 9. *International Covenant on Economic, Social and Cultural Rights*, appendix 2 (Ottawa: Secretary of State, 1980), 398.

22. *Nouvelles Internationales*, 3.

23. *Ibid.*

24. In terms of how Aboriginal peoples see this question, one could suggest that it is critical to consider the complete document proposed by the Coalition Draft Declaration: "Draft declaration of principles proposed by the Indian Law Resource Centre, Four Directions Council, National Aboriginal and Islander Legal Service, National Indian Youth Council, Inuit Circumpolar Conference, and the International Indian Treaty Council." U.N. E/CN.4/Sub.2/1985/22. See Appendix "D".

25. Pierre LePage, "Indigenous Peoples and the Evolution of International Standards: A Short History," in Marie Léger, *Aboriginal Peoples: Towards Self-Government* (Montreal: Black Rose Books, 1994), 11. I sustain that one should be aware of the harmless perception of the concept "development", which seems to imply a Westernized, post-colonial vision of economic, cultural and technical advances embracing and "unifying" all aspects of societies.

26. "Self-Determination. Final Report of the Martin Ennals Memorial Symposium on Self-Determination, a Satellite Conference for the 1993 World Conference on Human Rights." Co-sponsored by the College of Law, University of Saskatchewan and International Alert (Saskatoon, Saskatchewan: March 3-6, 1993), 1.

27. The "Draft Declaration on the Rights of Indigenous Peoples, as approved by the members of the Working Group on Indigenous Populations and reported to the United Nations Sub-Commission of Prevention of Discrimination and Protection of Minorities" (New York: United Nations, August 1993), 80.

28. Cited by J. H. Bodley, *Victims of Progress*, 155.

29. Ibid.

30. Self-Determination. Final Report, 3.

31. It could be argued that no group or individual has a monopoly of defining other people. Obviously there is a need to arrive at a certain internationally-recognized agreement on what is a people for the rights of peoples in international law, either culturally or racially. In *Native Liberty, Crown Sovereignty*, Bruce Clark categorically stated that "there is no independent and consistent interpretation, act or academic convention that precisely defines the content of this [Aboriginal or other] racial concept." Bruce Clark, *Native Liberty, Crown Sovereignty: The Existing Aboriginal Right of Self-Government in Canada* (Montreal: McGill-Queen's University Press, 1990), 6.

32. James Crawford ed., *The Rights of Peoples* (New York: Clarendon Press Oxford, 1988), 170-171.

33. Self-Determination. Final Report, 3-4.

34. Ibid. 4.

35. The situation of the Kurds in Turkey in 1995 is an example of the failure to realize the principle of self-determination "... and the corresponding duty to refrain from any forcible action which deprives a people of this right," according to Crawford, in Shelley Wright, "Indigenous People's Rights and Self-determination," photocopy, Sallows Seminar in Human Rights, "Law 433.3." College of Law, University of Saskatchewan, 1995, 9.
36. Mark Gordon, *Self-Determination and Indigenous Peoples* (Copenhagen: IWGIA, 1987), 126.
37. George Manuel, and Michael Poslums, *The Fourth World: An Indian Reality* (Don Mills: Collier-Macmillan, 1974), 214. .
38. For a detailed discussion see the study prepared by Aureliu Cristescu, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. *The Right to Self-Determination: Historical and Current Development on the basis of United Nations Instruments* (New York: United Nations, 1981). The "International Covenant on Economic, Social, and Cultural Rights" is particularly relevant. In Report of Canada on articles 6 to 9, (Ottawa: Secretary of State, 1980).
39. R. Quinn Duffy, *The Road to Nunavut: The Progress of the Eastern Arctic Inuit since the Second World War* (Montreal: McGill-Queen's University Press, 1988).

CHAPTER 3

INTERNAL COLONIALISM: A LEGACY IN NUNAVUT AND THE RAAN

To approach the situation of the Inuit and the Miskitu-nani without dealing with the phenomenon of colonialism, its consequences and the need for decolonization would invite erroneous conclusions. But none of the accepted theoretical frameworks deals specifically with these elements as a whole or in that order. Indigenous peoples suffered large scale alterations to their way of life by the historical structures imposed in the process of colonization. There is a need to understand, or at least to investigate, the processes by which Europeans colonized as they did. There is also a need to learn about the processes by which Indigenous peoples allowed such colonization to take place. The workings of colonization for Indigenous peoples did not end with the independence of Nicaragua or Confederation in Canada; similar structures of oppression continue to exist in the relations between non-Indigenous and Indigenous peoples in the new nation-states. For the Miskitu-nani this became internal colonialism and for the Inuit, welfare colonialism.

Indigenous nations have been compelled off their lands, compelled to speak the invaders' language and adopt their religion. Therefore, self-determination for Aboriginal peoples is vital if they are to recover their sense of identity and dignity in an increasingly global yet heterogeneous world. But today even in the dominant societies, self-determination seems ever more relative given the current economic and political conditions of the world. In effect social groups within the boundaries of a nation-state can define themselves as a "people" however they wish, to be recognized by the United Nations, for example, but political recognition and acceptance as such are granted or withheld by the rest of society or by the established institutions. However, the recognition of diversity within nation-states is very much part of the new trends foreseen for the turn of the century and Indigenous peoples are an important part of that diversity.

This chapter will look at a theoretical perspective and explain why it applies to Nunavut and the RAAN. Several theories offer possibilities. Unfortunately the only existing theoretical frameworks used to analyze the conditions of Indigenous people are products of either European or Eurocentric scholarship, and cannot fully address the Aboriginal reality from the perspective of direct Aboriginal experience, so they are of limited help in understanding the situation of the Inuit or Miskitu-nani peoples. The differing philosophies and cosmologies of Eurocentric origin are sometimes incompatible with those of Aboriginal peoples, which often contain world views opposite to those of Europeans. Eurocentric theory tends to explain other cultures and peoples in terms of

its own norms and values and for this reason fails to arrive at accurate analyses or valid proposals to remedy the problems of the Indigenous peoples.'

Economist D. Seers illustrated the use of the European mode as a norm of measurement when he suggested that

... inequalities within and between countries could and would in one way or another be reduced eventually, bringing an homogenized, modernized world within the reach of the next generation.'

Such a proposition follows an evolutionary approach in which societies develop step by step through predictable successive stages. Seers' statement is not borne out in fact. Even the current concept of "countries," especially in the Third World, involves nation-states that created and imposed their own borders. In general, such arbitrary borders engulf or split up various Indigenous nations.

Among the many existing theoretical frameworks, dependency theory is one of several theories that may be applied with caution to the current circumstances of the Inuit and the Miskitu-nani. Dependency theory was developed in opposition to the social evolutionist point of view. Canadian sociologist Marie-Anik Gagné in *A Nation within a Nation* noted that the theory was reshaped by North American and European scholars. It was originally developed in Latin America in the 1960s by

... scholars native to semi-peripheral areas. It did not become 'respectable' until it was 'denied' and taken to the core, where it was transformed into world system theory and was reexported to the periphery.³

This theory treats development and underdevelopment as interdependent events or functional positions within the world and within the economies of individual countries rather than as stages along an evolutionary ladder. It takes into consideration "... both

the internal and the external factors of dependency,”⁴ namely the expansion and development of one group of countries at the expense of the economies of others.⁵ At the same time, regions, societies or groups of people are put in an unequal power relationship in relation to others within the same nation-state. Therefore, the most powerful region or group directs and controls others towards its own interests and the less powerful region or group is restrained from a sustained economic growth. The basic situation of dependence keeps these poorer countries and social groups backward and exploited, because investments, political decisions, control of resources and development of technology are controlled by alien powers for their own enrichment. The dependency theory can be applied to the Inuit and the Miskitu-nani because it proposes to examine “... the interdependence of the political, economic, and social structures, not only with respect to internal structures but also by determining the effects of external structures.”⁶

Dependentistas sustain that the core of the former colonizing powers, developed countries such as the United States of America and the large cities of the formerly colonized countries are the centres for economic, social and political activities while pauperized remote, usually agricultural, areas are the periphery which grow ever more marginal. Peripheries contribute raw material, natural resources and/or cheap labour in exchange for manufactured goods from the centre.⁷ Citing T. Dos Santos, Blomstrom and Hettne note that dependence is understood as

... a situation in which the economy of certain countries is conditioned by the development and expansion of another economy to which the former is subjected. The relation of interdependence between the two or more economies, and between these and world trade, assumes the form of dependence when some

countries (the dominant ones) can expand and can be self-sustaining, while other countries (the dependent ones) can do this only as a reflection of that expansion, which can have either a positive or negative effect on their immediate development.⁸

This situation is repeated within the borders of countries. In the case of the Americas, Indigenous peoples are clearly located within the dependent sectors of society.

Unlike the peoples of Europe, the Aboriginal peoples of the Americas did not come to their modern social, economic and political condition from a historical background of un-development. The natural development of the Aboriginal peoples was interrupted and their condition of underdevelopment was a direct result of the imposition of unfavourable alien economic and social controls imposed on them first by European powers and then by the succeeding nation-states which kept them dependent. This is "... a fundamental trait of the process of underdevelopment" according to M. Blomstrom and B. Hettne.⁹

An evolution of dependency theory is the world system theory, which was transformed and reexported to the periphery.¹⁰ This is a relatively new sociological concept whose major exponent is Immanuel Wallerstein. It deals primarily with the structure of trade and financial flows between sovereign states, otherwise known as the "capitalist world-economy." This concept argues that the modern world should be thought of as a world-system or a capitalist world-economy. This approach implies that the primary unit of social constraint and social decision-making is this world-system rather than the nation-states. Blomstrom and Hettne proposed that "Wallerstein's work provides an impressive vision of world-historic development but his conceptual apparatus is [...] quite simplistic and at times appears rather haphazard."¹² The world-system

approach, nevertheless, seems appropriate to discuss contemporary conditions under the pressures and restraints of a world economy, but it becomes incomplete when discussing the conditions of Aboriginal peoples, because it does not consider the element of (colonized) ethnicity as an integral element of their reality.

While dealing with the proposition of Indigenous self-government in the present world economy, the world-system concept should be taken into account because any self-government will be functioning within this global situation. Native peoples' current plight also depends on the global social, political and economic conditions in the rest of the world because of the historical unfolding of world capitalism and its movement toward globalization. As **S. Amin** noted in *Accumulation on a World Scale*:

Capitalism has become a world system, and not just a juxtaposition of "national capitalism." The social contradictions characteristic of capitalism are thus on a world scale, that is, the contradiction is not between the bourgeoisie and the proletariat of each country considered in isolation, but between the world bourgeoisie and the world **proletariat**.¹³

Nearly all aspects of life today are dictated by the dominant capitalist system.

The evolutionary industrial paradigm has attacked every aspect of Indigenous life and customs. In analyzing the structure of capitalism, **K. Marx** and **F. Engels** noted that the structure of any sociopolitical and economic system based on domination involves a whole range of necessary conditions to control people, based on both material and intellectual production:

... the class which is the ruling material force of society, is at the same time its ruling intellectual force. The class which has the means of material production at its disposal has control at the same time over the means of mental production, so that thereby, generally speaking, the ideas of those who lack the means of mental production are subject to it [emphasis added].¹⁴

There is little doubt that this has been the case for the Inuit and the Miskitu-nani. Edward W. Said gave a superb description of the ruling colonial or neocolonial mind. Although speaking of Orientalism, Said's words could be applied to *Indianism* as the set of ideas the ruling classes and groups hold about Aboriginal people, as

... rather a *distribution* of geopolitical awareness into aesthetic, scholarly, economic, sociological, historical, and philological texts; it is an *elaboration* not only of a basic geographical distinction ... but also a whole series of "interests" which, by such means as scholarly discovery, philological reconstruction, psychological analysis, landscape and sociological description, it not only creates but also maintains; it *is* a manifestly different ... world; it is, above all, a discourse that is by no means in direct, corresponding relationship with political power in the raw, but rather is produced and exists in an uneven exchange with power political (as with a colonial or imperial establishment), power intellectual (as with reigning sciences like comparative linguistics or anatomy, or any of the modern policy sciences), power cultural (as with orthodoxies and canons of taste, text, values), power moral (as with ideas about what "we" do and what "they" cannot do or understand as "we" do).¹⁵

In this sense, one could apply Said's proposition to *Indianism* being a "... considerable dimension of modern political-intellectual culture,"¹⁶ as nothing else than a vision and interpretation within the Western construct of the world rather than an explanation or a description of what Indigenous peoples may really be.

Within the dependency theory, the conditions of internal colonialism (when labour of an Indigenous population is important) or welfare colonialism (when Indigenous labour becomes redundant), were set up within the political, social, cultural and economic background of the colonial era. Ian Roxborough noted in his book, *Theories of Underdevelopment*

If an analysis of the relation between developed and underdeveloped societies that focused on the processes occurring in the developed half of the equation produced a theory of imperialism then if attention was systematically focused on

the other half of the equation, the underdeveloped societies, a theory of dependency would be produced.¹⁷

Whereas the concept of internal colonialism was used earlier, especially by Latin American politicians and activists, the prevailing understanding of the term developed a scholarly connotation during the early mid-1960s, predominantly in the works of the Mexican sociologists Pablo González Casanova and Rodolfo Stavenhagen. Both they and their followers, realized that colonialism as a social, political and economic phenomenon exists not only in the international sphere, but is also repeated, in different degrees, at the intra-national level. These scholars proposed that internal colonialism as a theory considers as well the interrelationship of the two spheres, or that "... internal colonialism is part of, and intimately linked with, external colonialism, that is, imperialism."¹⁸ In 1972, Dale Johnson provided a most thorough and precise definition of internal colonialism, describing its forms of political, social, and mainly economic control.

Economically, internal colonies can be conceptualized as those populations who produce primary commodities for markets in metropolitan centres, who constitute a source of cheap labour for enterprises controlled from the metropolitan centres, and/or who constitute a market for the products and services of the centres. The colonized are excluded from participation or suffer discriminatory participation in the political, cultural, and other institutions of the dominant society. An internal colony constitutes a society within a society based upon racial, linguistic, and/or marked cultural differences as well as differences of social class. It is subject to political and administrative control by the dominant classes and institutions of the metropolis. Defined in this way, internal colonies can exist on a geographical basis or on a racial cultural basis in ethnically or culturally dual or plural societies. (Not all of these criteria need to apply in order to classify a population as an internal colony.)¹⁹

In the context of a world economy, for example, the Inuit were drawn to produce the primary commodities for the fur trade and the Miskitu-nani those of fishing, mining and

logging, both as source of cheap labour. Both Indigenous peoples have been historically excluded from participation in decision making and the institutions of the dominant society (i.e. Canada and Nicaragua). Despite the pressures, the Inuit and Miskitu-nani have preserved their culture, language and customs in a way that has maintained a "society within a society." Discrimination and policies of assimilation have produced constant conflicts because of the clashing interests between these Indigenous and the corresponding dominant societies.

The very struggle for and the very existence of the Law *of Autonomy* and the *Nunavut Final Agreement* suggest that the Inuit and Miskitu-nani are struggling against exclusion from participating in the political, social and economic processes. This exclusion has existed since contact. Paraphrasing Eduardo Galeano, Indigenous territories have been regions of "open veins," because from the time of the conquest to the present these have been bled of their wealth and transformed into capital benefiting Europe, then the United States and the nation-state. In *Open Veins of Latin America: Five centuries of the Pillage of a Continent*, Galeano stated:

Everything: the soil, its fruits and its mineral-rich depths, the people and their capacity to work and to consume, natural resources and human resources. Production methods and class structure have been successively determined from outside for each area by meshing it into the universal gearbox of capitalism ... [E]ach area has been assigned a function, always for the benefit of the foreign metropolis of the moment, and the endless chain of dependency has been endlessly extended.²⁰

Social and political structures of domination within countries, the big cities and the ports benefit from "... its sources of food and labor"²¹ and resources, maintaining large segments of the population in dependency.

Another expression of dependency is welfare colonialism. Whereas the Inuit preserved their self-respect and certain autonomy, the development of a welfare society in the Arctic pushed them even further to the margins of society. Inuit fell under state financial assistance and control which transformed them from self-sufficient hunters into a society which felt inadequate and hopeless. Among policies and aims for assimilation one of the most important is the provision of social services for Indigenous peoples forcing them into the market economy. This measure precluded the Inuit from maintaining and developing their own mode of production. By and large, the Inuit were also kept from entering the labour force. In 1977 Robert Paine coined the concept of welfare colonialism, a notion that applies when the centres of power dispense with the Indigenous labour force, when settlers begin encroaching on Aboriginal lands forcing them off their lands either by treaty or repression and when the state assumes wardship of the Indigenous population.²² Beverley Gartrell agrees on the need to apply a variant term to the condition of internal colonialism of Indigenous peoples in Canada, Australia and New Zealand. She noted that welfare colonialism is "recognizably colonial, yet fundamentally unlike any other colonial situation seen before."²³ Whether under the burden of internal colonialism or welfare colonialism, social relations in the Americas have been based on European and Eurocentric domination and exploitation. An important consequence of this domination is the resulting discrimination against some social groups and the creation of two levels of cultures which are mutually exclusive."

A historical understanding of the ethnic discrimination suffered by the Inuit and the Miskitu-nani is mandatory because the struggle against it is an inherent component

of the ideology of the current Indigenous movement toward greater autonomy.²⁵ Both the *Nunavut Agreement* and the *Law of Autonomy* evolved out of particular histories. For both the Inuit and the Miskitu-nani, an abrupt turning point in their lives was their "discovery" by Europeans. Inuit/Canadian and Miskitu/Nicaraguan relations developed out of the history of colonization and largely exploitative and discriminatory depletion of natural resources. Whether "internal colonialism" or "welfare colonialism," the resulting conditions for these Indigenous groups as well as their relationship to the nation-state imposed on them, have been the result of that history.

In a vein similar to that of some Latin American writers, one of the few academic Indigenous voices in Canada, Métis historian H. Adams, wrote:

In the transformation of their society, Indians had to produce furs for exchange, rather than for their own internal use. Manufactured goods were introduced in such a way as to intentionally create a dependency on foreign goods and tools. At the same time, Indians were coerced into the idea of private property. Trade was based on an individual basis; that is, trap lines led to private ownership. Trading was directed towards individual units in trapping, which led to the notion of private land areas for the production of furs.²⁶

The transformation of Aboriginal society in Canada described by Adams occurred in varying degrees among the Miskitu-nani, the Inuit and other Aboriginal societies throughout the continent.

From the beginning of European settlement in the Americas, mercantilism and an incipient capitalist system developed class divisions, first between non-Aboriginal and Aboriginal peoples, then among Aboriginal peoples themselves. There are no records of any class division among the Inuit and the Miskitu-nani before contact with Europeans, who converted the Natives' autonomous and self-sufficient economies into

wealth producers for others. The international division of labour, status and position which developed between rich and poor countries was reproduced internally within the different nation-states between the dominant culture and Aboriginal peoples. If one considers the economic, social and political circumstances of what became known as the "Third World" to Aboriginal peoples, one can understand why some writers employ the term "Fourth World", a term first proposed in the early 1970s and used for the first time at the U.N. sponsored International Non-Governmental Organizations Conference on Indigenous Peoples and Land, September 15-18, 1981.²⁷ The term was used to describe and interpret the concept of internal and welfare colonialism practised by the nation-state as a whole against the discriminated Aboriginal peoples.

The understanding of internal colonialism as a form of oppression of Aboriginal people by a national oligarchy is not new among thinkers; the idea has been circulating, among Latin American intelligentsia and political leaders since the 19th century. For example, José Artigas, who led Uruguay's independence movement had a clear awareness of the condition of Aboriginal people under colonial rule. He allied himself with the Charrúa people in order to fight the Spaniards and to recognize the Aboriginal place in an independent society. The revolutionary Cuban poet, José Martí, fervently insisted on the importance of learning first the history and achievements of the *Amerindians*, whose society he referred to as "our own Greece," because he appreciated the importance of the Indigenous culture. These leaders were the precursors of what is known as the *Indigenistas*, a term which refers to non-Native writings or actions on behalf of Native peoples.²⁸

The capitalist system developed the structure of relations which scholars describe **as** neo-colonialism, welfare colonialism or internal colonialism. The system intensified and exploited the existing contradictions and differences that existed among culturally heterogeneous social groups such as the dominant societies in Canada and Nicaragua and the Inuit and Miskitu-nani. These dominant nation-states developed a structure of colonial social relations based on domination and exploitation of Aboriginal people **and/or** their lands. **González** Casanova explained in "Internal Colonialism and National Development," how the Church and the State imposed their social and political structures, beliefs and values based on the sense of superiority which the conquest of one people by another had historically produced.

Internal colonialism corresponds to a structure of social relations based on domination and exploitation among culturally heterogeneous groups. If it has a specific difference with respect to other relations based on superordination, it inheres in the cultural heterogeneity which the conquest of some peoples by others historically produces. It is such conquests which permit us to talk not only about cultural differences (which exist between urban and rural populations and between social classes) but also about differences between civilizations.²⁹

Internal colonialism today, as Adams stated, "... has become technologically perfected and immensely versatile. The metropolis can exploit effectively and rapidly its internal colonies."³⁰ According to Adams internal colonialism,

... like the earlier forms of oppression, has everything to do with racism, class and the manipulation of resources and money to censor and shape Aboriginal thought. [Internal colonialism], based on this foundation, is merely a more sophisticated form of colonial **administration**.³¹

This statement implies that one of the purposes of internal colonialism is, as its predecessor's, to acculturate and model the colonized Aboriginal people to the social and cultural image of the metropolis, while achieving a sort of reproduction in caricature of

its political and economic systems. There is the risk that Aboriginal institutions or rulers, used as a Eurocentric imposed institution, could "... become an integral part of imperial authoritarian rule."³²

One of the main premises of a radical view of history is that colonialism and internal (or welfare colonialism) have been imposed through total and absolute power and control by the ever-evolving state apparatus. Donald Purich in his book *The Inuit and their Land: The History of Nunavut* pointed out that the Inuit were not consulted on any of the government's so-called development projects "... in spite of the impact they had on their lives," and he added: "As the north was opened up for resource development in the late 1950s the Inuit saw their land and way of life threatened, but no one asked them about their concerns."³³ In varying degrees, the role of the state, as a political entity, has supported the existence of the dominant economic system. As a result, all institutions and organizations related to the state have determined Nicaragua's and Canada's political character as well as each nation-state's relationship with Aboriginal peoples. Thus, we can say that colonialism has been a direct and indirect exploitation of resources and peoples considered *inferior* or *primitive*; internal or welfare colonialism has maintained a structure of economic, political, social, military and other relations imposed by the dominant system of former colonies on Aboriginal peoples. The system of internal and welfare colonialism are relations which have maintained Indigenous peoples within the framework of the capitalist system, but simultaneously, marginal to it. The poverty of the Inuit and the Miskitu-nani was created by the plundering and pauperization of traditionally Indigenous lands and

resources; by changing Indigenous ways of life in the very process of colonization, and by the modern exploitation Inuit and Miskitu-nani have experienced under the nation-states of Canada and Nicaragua.

The theory of dependency as expressed in internal colonialism is, for the most part, considered to be the outcome of the struggles for liberation in the colonized countries that made colonial policies untenable. Internal colonialism arose as a consequence of the collapse of the old colonial system. Aboriginal people were unable to achieve political, social and economic autonomy when the new nation-states obtained their independence or confederation. After achieving independent status, the new states reproduced the relations that existed between the Aboriginal peoples and the metropolis; thus Natives produced for others and, also, became "... totally dependant on the state for their power, a power which could be withdrawn at any moment."''

The structure of internal colonialism shows itself, first, in the fact that Aboriginal nations have been obliged to "belong" to the system of international, and national,³⁵ capitalist division of labour which maintains Aboriginal people dependent on foreign capital and on the State. Second, that foreign and state capital retains important positions (obtained during colonization) for the control of their economies. An examination of the history of the Inuit and the Miskitu-nani, suggests that the imposed social, economic and political system has exerted its effects on these peoples along several lines:

- a) The subordination of the whole economy of the colonized people and land to the interests and requirements of alien capital, of a foreign capitalist economic

system (the fur trade and the mega-projects in Canada; mining and plantations in the Atlantic Coast of Nicaragua).

b) A direct incursion of foreign capital into the economy of the regions in question through the establishment of enterprises and other venues of the capitalist mode of production that, usually, remained as an alien growth on the local economy. Historically, for the most part Inuit and Miskitu-nani have not been considered as owners of land, that is, as having any Aboriginal title. The Inuit local economy has been based on services provided by the federal government, that is to say, based on the functioning of bureaucrats. The Miskitu-nani local economy, based predominantly on extraction of natural resources (hardwood and gold) as well as the plantation economy, is a parallel.

c) The slow penetration of capitalism into the traditional economic and social structure of local societies and the life of the native population controlled by the state conserved the condition of dependency "by promoting underdevelopment, economic irresponsibility, and smothering responsible leadership,"³⁶ according to Adams. The new industrial-agrarian growth of colonized nations such as Nicaragua became an appendage of the world capitalist mode of production that exercised its influence over production, distribution and redistribution of wealth in the pauperized Aboriginal communities through the capitalist world market.

The Inuit and the Miskitu-nani are demanding full recognition that includes the right to Aboriginal land, political and economic power, and public services such as

health, education, social and judicial substructures in harmony with specific needs and respectful of Aboriginal culture. Both laws, the Law of Autonomy and the Nunavut Final Agreement, may be a step in that direction. Academics, such as R. Dunbar Ortiz, have proposed that the Sandinista Government's response to the coastal population, especially the Aboriginal population, unlocked historical doors to a "... regional autonomy that goes far beyond 'tribal sovereignty' in the United States and Canada or the reserve systems practised by other governments of the Americas in relation to their long-colonized Indian populations."³⁷ H. Brody, in his *People's Land*, stated that the main purpose for the creation of an Inuit jurisdiction is to replace "... the old hierarchy of colonial administration that kept power in the hands of white civil servants in distant capitals."³⁸

By establishing public jurisdiction, both the Inuit and the Miskitu peoples are laying the groundwork for the opening of an important space in the search for ways to end the status of internal and welfare colonialism. The aforementioned laws may open the way to more political and economic autonomy within their respective nation-states.

This thesis will use dependency theory as applied in the approach to internal and welfare colonialism, because the paradigm serves best, in my opinion, to explain the current reality of Native people. Internal and welfare colonialism deal with issues of ethnicity and class divisions which resulted after conquest and colonization.

NOTES

1. To explain any conflict or situation within the context of scholarly work Aboriginal people must do so in one of the Western-colonizing languages and are obliged to use conceptual instruments formed by and large by an Eurocentric educational system. The core of a culture, the way of thinking, is dictated, primarily, by its language (i.e. the Sapir-Whorf hypothesis). The structure and grammar of one language produces a different mind set distinct from others. For a detailed discussion on this topic see Benjamin Lee Whorf, "Languages and Logic," in Graham Wilson, ed. *A linguistics Reader* (New York: Harper & Row, 1967). 259-271, and Edward Sapir, *Language: An Introduction to the Study of Speech* (New York: Harvest Books, 1921).
2. D. Seers, "The Cultural Lag In Economics," in J. Pajestka and C. H. Feinstein, eds. *The Relevance of Economic Theories* (London: Macmillan, 1980), 7.
3. Marie-Anik Gagné, *A Nation within a Nation* (Montreal: Black Rose Books, 1994), 8.
4. Ibid., 8.
5. T. Dos Santos, "The Crisis of Development Theory and the Problem of Dependence in Latin America," in H. Bernstein, ed., *Underdevelopment and Development: The Third World Today* (Harmondsworth: Penguin Books, 1973), 76. Santos saw dependency as the "relationship of interdependence between two or more economies or between such economies and the world trading system."
6. Gagné, *A Nation within a Nation*, 5.
7. Ibid., 5-26.
8. Magnus Blomstrom and Bjorn Hettne, *Development Theory in Transition. The Dependency Debate and Beyond: Third World Responses* (London: Zed Books, 1984), 64.
9. The entire allusion refers to Latin America, Asia and Africa in general and is not a specific reference to Aboriginal peoples in those continents. Ibid., 3.
10. Marie-Anik Gagné, *A Nation within a Nation*, 8.
11. See Immanuel Wallerstein, *Historical Capitalism* (New York: Verso, 1983). See also Peter J. Taylor, *Political Geography: World-Economy, Nation-State and Locality*, 3rd ed. (New York: Longman Scientific and Technical, 1993).
12. Blomstrom and B. Hettne, *Development Theory...*, 186.

13. Roxborough cited in Gagné, *A Nation within a Nation*, 14.
14. Karl Marx and Frederick Engels, "The German Ideology," in Karl Marx, Frederick Engels, *Collected Works*. vol. 5 (Moscow: Progress Publishers, 1976), 59.
15. E. W. Said, *Orientalism* (New York: Vintage Books, 1979), 12.
16. Ibid.
17. Ian Roxborough, *Theories of Underdevelopment* (London: Macmillan Press, 1983), 42.
18. James D. Cockcroft, Andre G. Frank and Dale L. Johnson J.D., *Dependence and Underdevelopment: Latin America's Political Economy* (New York: Doubleday, 1972), xx.
19. Dale L. Johnson, "On Oppressed Classes," in Cockcroft, Frank, and Johnson, eds., *Dependence and Underdevelopment*, 277.
20. Eduardo Galeano, *Open Veins of Latin America: Five centuries of the Pillage of a Continent* (New York: Monthly Review Press, 1973), 12.
21. Ibid.
22. Beverley Gartrell, "'Colonialism' and the Fourth World: Notes on Variations in Colonial Situations," *Culture* 6,1 (1986): 11.
23. Ibid.
24. Pablo González Casanova, "Internal Colonialism and National Development," in I. L. Horowitz, J. de Castro and J. Gerassi, eds. *Latin American Radicalism* (New York: Random House, 1969), 33.
25. See Eleonore von Oertzen, Lioba Rossbach and Volker Wiinderich, eds. *The Nicaraguan Mosquitia in Historical Documents: 1844-1927: The Dynamics of Ethnic and Regional History* (Berlin: Dietrich Reimer Verlag, 1990).
26. H. Adams, "A Tortured People: The Politics of Colonization," unpublished manuscript, 23.
27. Brian Goehring, *Indigenous Peoples of the World: An Introduction to their Past, Present and Future* (Saskatoon: Purich Publishing, 1993), 5. Among others using the "Fourth World" concept, are: B. Gartrell, "'Colonialism' and the Fourth World," Nelson Graburn, "1, 2, 3, 4... Anthropology and the Fourth World" *Culture* 6,1 (1981). Noel Dyck, "Aboriginal Peoples and Nation States: An Introduction to the Analytical Issues," in *Indigenous Peoples and the Nation State: 'Fourth World' Politics*

in Canada, Australia and Norway (Saint John: Institute of Social and Economic Research Memorial University of Newfoundland, 1979), 1-26.

28. The term *Indianista*, in contrast, refers to Aboriginal peoples organizing and working on their own behalf. In more recent times there are many other scholars who work within the framework of internal colonialism, primarily those known as Indigenistas.

29. González Casanova, "Internal Colonialism and National Development," 33.

30. H. Adams, "Thoughts on the Constitution and Aboriginal Self-Government," *Native Studies Review* 8, no. 2 (1992): 101.

31. Ibid., 103.

32. Adams, "A Tortured People," 5.

33. Donald Purich, *The Znuít and their Land: The History of Nunavut* (Toronto: James Lorimer and Company, 1992), 43.

34. Adams, "A Tortured People," 5.

35. The concepts "international" and "national" refer here to the geo-political conditions of the capitalist system which has created artificial borders both in Europe and over an immense area colonized by the European powers.

36. Adams, "A Tortured People," 13.

37. Roxanne Dunbar Ortiz, *The Miskito Indians of Nicaragua. Report no. 79* (London: The Minority Rights Group, 1988), 12.

38. Hugh Brody, *The People's Land: Znuít, Whites and the Eastern Arctic* (Toronto: Douglas and McIntyre, 1991, originally published in 1975), 12.

CHAPTER 4

THE ATLANTIC COAST OF NICARAGUA: A BACKGROUND

This chapter will look at the history of the of the Miskitu-nani since their first contact with the Europeans and will trace the genesis of the Autonomy Law in the North Atlantic Autonomous Region (RAAN), Nicaragua. For the most part, the Miskitu-nani and the Inuit have been virtually isolated from mainstream society in their respective countries. However, since the late 1800's the state and powerful corporations have gradually penetrated the Atlantic Coast of Nicaragua and the Miskitu economy has clearly been subjected to and conditioned by the expansion of the alien economy.

The Atlantic Coast of Nicaragua comprises 56.2 percent of the national territory. The region consists of two departments (or provinces): Zelaya (55,900 square km) and Rio San Juan (7,200 square km). Most of its vast surface is covered by tropical forest, mangrove swamp or other kinds of land of low fertility. A mountain range separates it from the Pacific Coast, the more populated and less poor part of the country. Population statistics of the Coast are controversial and contradictory, because a census has never been taken there. The population of the Atlantic coast, estimated at 300,000, comprises 9.5 percent of the national population: Spanish-speaking Mestizo, 182,000,

Miskitu speaking Miskitu-nani, 67-70,000, English-speaking Creoles, 26,000, Sumu-speaking Sumus, 5-7,000, English-speaking Garifuna or Black Caribs, 1,500 and English-speaking Rama, 700.' The Autonomy Commission has given different population figures as follows: Mestizos, 150,000; Miskitu-nani, 80,000; Creoles, 25,000; Black Caribs, 1,500; and **Ramas** near 800 (See Appendix "A", Table 2).² The original inhabitants of the Atlantic Coast of Nicaragua appear to be more closely related to the Chibchas of Colombia than to the Aztecs or **Mayas** of **Mesoamerica**.³ Anthropologist Mary Helms noted that the original Miskitu population are believed to have been "... descendants of tribes thought to have migrated from South America, up the Caribbean coast."⁴ Helms considered the Miskitu-nani to be acculturated Natives and defined them as "... indigenous peoples who gradually effected some sort of adjustment between their traditions and influences from the outside world of Western civilization."⁵ She suggested that the Miskitu-nani may be the result of a racial admixture.⁶

Helms insisted that "... the overall structure and function of Miskitu society is oriented and adapted to successful interaction with the wider world."⁷ The phrase "successful interaction" evidently refers to the Miskitu-nani's good relations with Europeans and their acceptance of Western practices. Based on the work of several other academics, Helms contended that "... biologically it seems that the Miskitu-nani are a mixed group which developed after contact through the admixture of an indigenous population with Negroes and buccaneers," but she did not clarify the specific identity of the aforementioned Indigenous population.' In her study of the Miskitu community

of Asang, she pointed out that Miskitu society originated "... as a direct response to European colonialism," yet, retained some of the original cultural traits of the Indigenous peoples who had lived in the area.⁹ There are, however, other versions of the historical development of the Miskitu nation.

According to K. Ohland and R. Schneider, one group from the Aboriginal people on the Atlantic Coast of present northern Nicaragua became known as Miskitos towards the end of the seventeenth century. As noted, their exact origin is still under debate. Before the arrival of the Spanish conquerors, these Aboriginal people claimed their homeland the area that extends from what is Awan, in present-day Honduras, to San Blas, in contemporary Panama." In 1502 Columbus landed on what he named Cabo Gracias a Dios (Cape Thanks be to God) on the Atlantic coast of present-day Nicaragua. At that time the main Aboriginal nations were the Moskitos, Sumus, Ramas, Nagrandanos, Nicaraos, Chontales and the Caribises.

Eventually, with Spanish colonization of most of the Atlantic Coast of present Central America during the 16th and 17th centuries, Miskitu lands were virtually reduced to the northern Atlantic Coast of present-day Nicaragua and Honduras. At the same time, the political, social and economic life of the Atlantic Coast of Nicaragua, or Mosquito Coast, developed separately from the rest of the country. Sociologist C. Vilas stated that the history of the Atlantic Coast has been shaped by three main elements:

- 1) British colonial expansion and, later U.S. neocolonial expansion; 2) the subordinate dynamics of the cultures and institutions originating in the region; and 3) the formative process of the Nicaraguan state and the integration of its territory.¹¹

In the sixteen and seventeenth centuries the Atlantic Coast of Nicaragua escaped Spanish, or any other strong European influence and no important European settlement took place. The region contained formidable environmental barriers to European settlement. The mountain range separating the western and the eastern parts of the country, the swamps, the impenetrable jungles, the six months torrential rainy season and the enormous variety of insects prevented any significant European settlement of the region.

By 1560 the British had initiated trade relations with the Aboriginal peoples of the Atlantic Coast of the Americas, keeping a distance, at first, from the French and Spanish colonies. During the seventeenth century the Atlantic Coast of present-day Central America suffered continual attacks from British pirates who in 1647 established trade and alliances with the Miskitu-nani against Spain. British buccaneers needed temporary havens on Atlantic and Caribbean Coasts and the Miskitu-nani provided them with guides, food and their soldiers. At the same time their communities served as places of refuge for pirates to heal their wounds and for other purposes.¹² In contrast to the British, the Spanish did not engage in trade during this period, but simply plundered the natural resources of the Aboriginal peoples.

The missionaries of the Moravian Church were the first Europeans on record to establish settlements in Eastern Central America in the mid-1800s. These missions remained for the most part on the Atlantic Coast of Nicaragua. In a history of the Moravian Church, missionary J. Taylor Hamilton described the Atlantic Coast of Nicaragua as follows:

Along the Caribbean coast of Central America, from the Wama or Sinsin Creek to Rama River, and for about forty miles inland, lies the Mosquito Reserve. From 1655 to 1850 this territory enjoyed a semi-independent status, under the protection of Great Britain, being ruled by a so-called Indian "king."¹³

Taylor Hamilton claimed that the aforementioned "king" implored Moravian pioneers "to commence a mission in his territory, and [that he] offered a plot of land in Bluefields besides an island inhabited by Rama Indians" (p. 429). The missionaries acceded enthusiastically "and the British consul promised hearty cooperation" (p. 429). They arrived at Bluefields on March 14, 1849. The Moravians related that the Indians "Moscos, or Moskitos, **Woolwas**, **Ramas**, Sumoos and Caribs — who periodically visited Bluefields to trade in tortoise-shells and deer skins, and pay tribute to their 'king,'" — had no sense of a personal relation with a God and their religious ideas were, in the missionaries' minds, unduly meagre (p. 428). Hunting deer and fishing, the **Miskitu-nani** lived what Moravian missionaries considered a simple life:

The rudest sort of shelter beneath the magnificent shade of the forests, a bow and arrows, a dug-out canoe, an iron pot for cooking and a hammock woven from grasses or the inner bark of trees—and the Indian was content (p. 428).

The Miskitu-nani, in order to maintain their way of life and their political independence, cooperated with the British in the effort to prevent total Spanish rule in the area. The British began to organize, as they did in other parts of the world, an indirect rule by setting up the *Kingdom of Moskitia* in 1845, crowning a mulatto or *zambo*¹⁴ as king and building fortresses nearby to protect the sovereignty of Mosquitia. British control over economic and political matters became more direct when they claimed the territory known as "Moskitia" as a British protectorate between 1661 and 1860 to ensure that "British mining, timber and geopolitical interests" were

safeguarded, according to J. Booth and T. Walker." The British never attempted to establish colonies, but made use of the Natives' institutions. In time these institutions were changed to accommodate the self-interest of the British, who influenced and reoriented the Natives' customs to the point that the Miskitu-nani, and later the Creoles, looked upon themselves as British **subjects**.¹⁶

Howard **Adams'** contention that "manufactured goods were introduced in such a way as to intentionally create dependency" clearly seems to have been the colonizer's objective. The British approach was to assimilate the Miskitu-nani through trade, involving them in market relationships already established elsewhere in the Caribbean, India, Canada and the British Isles. The intent of the British in these trade relations was best expressed by the eighteenth century historian Edward Long; who wrote:

Their wants will undoubtedly increase in proportion as they grow more civilized; and, in order to gain the costlier articles of dress and convenience, they may soon be taught that nothing more is requisite on their part than an advancement of skill, and redoubled diligence in selecting and procuring commodities of superior value, or larger collections of the same kind, for carrying on their barter, and due payment of their annual **balance**.¹⁷

The Miskitu-nani were encouraged to become consumers of British goods and driven to provide increasing quantities of higher quality goods in exchange for British merchandise. E. Long acknowledged the lucrative nature of this trade for the British.

At present, our trade hither is limited chiefly to a number of small **merchant-vessels**, which supply the Moskitos with various articles of British manufacture, clothing and tools, and some North-American produce. They load in return with hides, tiger and deer skins, mahogany, cedar, nicaragua, **sustic** and **logwood**, cacao, coffee, cotton, sarsaparilla, silk, grafs, indigo, china root, gums, balsams, cochineal, tortoise-shell, a little bullion, and some few other commodities; from the number and value of all which we are warranted to infer, that here is a noble field for carrying on a very extensive and most profitable commerce (p. 319).

This commerce was profitable for one side only, and entailed resource depletion for the other. A class structure developed with the creation of lucrative trade for the British according to E. Long:

The English settlers on the shore, I believe, are the chief managers of it; and the Indians are principally employed in collecting the several articles; and, if this is the case, we may easily guess in whose hands the chief share of profit rests (p. 320).

The unequal terms of trade that continue to impoverish the region today were established early in the trading relationship. From the first, the policy of European explorers and conquerors toward Aboriginal peoples was to exercise control as early as possible. Domination through political power have been exercised by the Church, the military apparatus and the economic elites, first foreign, then local. By this means, an early class structure came into existence within which the majority of the Native population was, and continues to be, at the bottom of the social pyramid.

Only a few Aboriginal individuals would be close to the higher segments of the social pyramid. As in the rest of Latin America and the Caribbean, the Atlantic Coast came under tremendous economic and political pressures from the external powers. Aboriginal self-determination diminished, sometimes drastically under these circumstances. From the time of the Spanish colonization of the region, Miskitu lands were limited to the northern Atlantic Coast of present day Nicaragua and southern Honduras. Since the arrival of the Europeans, Moskitia became a virtual battleground between the British and the Spanish. Later the power struggle took place between the United States and local interests. **Dunbar Ortiz** stated that "... the Moskitia became the frontier of the geographic separation created by the competition for empire between the

British and the Spanish.”¹⁸ Englishmen played a dominant role in this area as residents or transients and the Atlantic Coast became an enclave of British influence surrounded by what became known **as** Spanish America. This accounts for the fact that people in the region still speak predominantly English **and/or** one of the Aboriginal languages. According to C. Dozier, the Atlantic Coast “... has never experienced significant Hispanic settlement or influence, under Spanish or independent Nicaragua.”¹⁹ In his *Nicaragua's Mosquito Shore*, Dozier explained:

For various economic and strategic reasons, the area's **defense** and control were recognized **as** vital, but its lands and climate never appealed to settlers from the west. They were driven away by the difficulty of access and the hostility of the natives, and there appeared to be insignificant wealth in precious metals (some were discovered later, but not until the nineteenth century by foreign prospectors).²⁰

This situation and the isolation of the region obviously maintained a sort of *de facto* degree of **conjunctural** autonomy to which the government of Nicaragua formally agreed in 1860.

By the end of the nineteenth century the United States played an important role in "moving" British investments out of Nicaragua and Honduras to become the only main foreign controlling interest in the region, making the area even more vulnerable to the fluctuations of the capitalist market. Vilas explained:

From the mid-nineteenth century on, capitalism had worked a violent transformation on the relations of production in the Pacific and central northern regions of Nicaragua. Between 1870 and 1890, a number of laws forced the sale of Indian communal land and, in 1881, decreed the forced recruitment of Indian labour for public works. The expansion of commercial capitalism additionally undermined Indian economies. Indian communities were destroyed, and direct producers were expropriated and moved off their lands, breaking down the direct relationship between the producers and their sources of consumption: in this way the labour force **was** forcibly proletarianized.²¹

Although the Atlantic Coast has a different trajectory than the Pacific area described above, foreign capital —first British and then North American— was decisive in shaping the social fabric of the region. Vilas noted: "... the breadth of capitalist penetration on the Atlantic Coast led to the development of a working class that was much broader than its counterpart in the Pacific and central regions."''

The "Treaty of Managua," signed in 1860 between Great Britain and a weak Nicaraguan state, transformed the British protectorate of Moskitia into a semi-autonomous Mosquito Reserve which recognized Nicaragua's sovereignty over the territory. This Treaty came to exist as a direct result of a new and clear interest in the area by the United States, which by the mid-1800s had invoked the Monroe Doctrine in the entire hemisphere. In December 1823 the President of the United States, James Monroe, announced the Monroe Doctrine in a message to the Congress. J. Gerassi commented on the doctrine that "To us, the [Monroe] Doctrine was and is virtuous because it warned non-hemisphere nations to stay out of the American continent. To Latin Americans it is despicable because it asserted no bar to our own ambitions."²³ Gerassi also noted that the Doctrine was not invoked on the occasions when England invaded several Latin American territories. Instead, the United States backed the European power time and time again. J. Booth and T. Walker seem to contradict Gerassi's account.

In the late 1840s the British and Americans had almost come to blows over a British attempt to seize the mouth of the San Juan River. In the resulting Clayton-Bulwer Treaty (1850), the United States and Britain mutually renounced the ~~right~~ to embark on any unilateral exploitation of the region (emphasis added).²⁴

The treaty of Managua said nothing of the Sumus or Ramas, and no Indian leaders took part in the procedures. The so-called renunciation of the British-North American "right" to exploit Nicaragua, however, did not prevent American citizens from carrying out flagrant interventions in Nicaragua's internal affairs. One of the most outrageous foreign interventions in Nicaragua took place in 1855 when a filibusterer, William Walker of Tennessee, led a group of mercenaries and established his own government. Booth and Walker observed:

In league with out-of-power Liberals, he formed an army and toppled the Conservative government. The United States quickly recognized the fledgling Liberal government of Walker, who announced his intention to reinstitute slavery, make English the official language, and seek U.S. statehood."

Walker was defeated by the common and joint action of the Central American states in 1857 and was executed on the Atlantic Coast of Honduras in 1860.

Although comprising almost half of the area of Nicaragua, the Atlantic Coast continues to be industrially underdeveloped. According to the 1970 *Area Handbook for Nicaragua*, "... the soils range from alluvium along the larger rivers to shallow gravelly soils and clay loams of low natural fertility."²⁶ Gold mining was important on the Atlantic Coast in the past, but fell into decline by 1970. The *Handbook* estimated that "... many of the principal deposits have been exhausted and production has declined steadily for the last 15 years." Furthermore, the same source indicated that "... the major gold mines are in the neighbourhood of Bonanza, Siuna, and Monte Carmelo in northern Zelaya."²⁷ This area is mainly Miskito inhabited. Such circumstances created an irregular employment force in which Aboriginal labourers moved back and forth between their work in the villages and their jobs in the companies. This pattern was

supported by the geographical isolation, as well as the general precariousness of the region's economy with "... short and marked phases of expansion and recession."²⁸ It should be noted that the natural resources of the region were exploited by interests foreign to both the Indigenous people and the Nicaraguan nation-state. Foreign companies recruited almost exclusively male workers who combined their labour in foreign owned enterprises with subsistence production in the Indian villages. The Miskitu-nani are, primarily, subsistence hunters and fishers, and secondarily, farmers. At the end of the last century and the beginning of the present, Miskitu people were recruited to work in British and American mines, plantations and the lumber industry. Today there are no mines, plantations or logging operations.

The Atlantic Coast of Nicaragua in general, and the Miskitu people in particular, played a decisive role in opposing U.S. occupation of Nicaragua during 1927 and 1933. The war of liberation started and led by Augusto Cesar Sandino was organized on the Atlantic Coast in Miskitu lands. After Sandino was assassinated in 1934, the Somoza dynasty ruled Nicaragua as the watchdog for U.S. interests and kept the Atlantic Coast almost completely marginalized. Vilas noted that the country was virtually under the control of U.S. companies, such as Bragman's Bluff Lumber Company, and the banana companies Standard Fruit and Cuyamel (p. 10). Vilas also pointed out that one should understand that "... the Coast economy was integrated into the international market in terms of the product but not the producer" (p. 11). He added that:

One of the most frequently noted features of the foreign companies' activity on the Atlantic Coast is its sporadic nature, strongly dependent on rises and falls in

the international market and on increased production costs as the most accessible resources were exhausted and it became necessary to relocate to less accessible areas (p. 10).

In spite of the apparent lack of interest of the Nicaraguan and Honduran states in their northern and southern borders, both republics disputed jurisdiction over the area of the Coco River for most of the twentieth century without considering the Aboriginal people living in the area.

In 1960, two events directly affecting the Atlantic Coast were decisive in sharpening the conflict between the nation-state and the Miskitu communities. In the first instance, the International Court decided in favour of Honduras in a border conflict between Nicaragua and that country. The Court established that the north bank of the Coco River would belong to Honduras, making the river the border between the two countries. The Miskitu-nani, however, do not recognize this decision and keep living in their land, disregarding the artificial frontiers. The second important event of that year began when North American banana companies completely ceased production on the Atlantic Coast. New North American companies began the exploitation of the giant pine forest.²⁹ To accommodate the new enterprises, the **Somoza** regime reduced Aboriginal lands, confining the Aboriginal people to five settlements "... so that they could not cause any problems for the big lumber companies."³⁰ There was a further tactic to ensure this end. J. **Freeland** noted that "... in dealing with the Coast's peoples, each power [government and foreign companies] has privileged particular ethnic groups, thus changing the interaction between them all.""

The Sandinistas inherited these artificially created rivalries and after the triumph of the Sandinista Front, the Miskitu-nani and the Atlantic Coast appeared "officially" in the international political arena. Freeland observed that "... before the Sandinista revolution of 1979, little was known of these groups and little international concern was shown for their rights."³² The Atlantic Coast became part and center of the international conflict known as the cold war, when the U.S. administration accused the new government of committing genocide against the Miskitu Indians³³ because in January 1982 the Sandinista Government decided to relocate several thousands of Miskitu-nani from the Coco River. H. Sklar argued in *Washington's War on Nicaragua* that the Sandinista government's resolution to relocate the Miskitu-nani of the Coco River, as well as the name of the new settlement, *Tasba Pri* (Free Land), were an indication of Sandinistas' failure to differentiate between well-founded Indian objections to the new policies and support for pro-contra secessionists.³⁴ Undoubtedly the enormous pressure from the U.S. contributed to this failure. Sklar stated:

The U.S. government seized on the relocation to accuse Nicaragua of genocide. [Alexander] Haig dramatically produced a photo he said showed Miskito bodies being burned by Sandinista troops. The French magazine *Le Figaro*, source of the photo, corrected him, explaining it showed the Red Cross burning corpses of people killed by Somoza's National Guard on the Pacific Coast in 1978.³⁵

The history of Nicaragua during the Sandinista regime should be seen in light of the Cold War and in light of the policies of the Reagan Administration against the Sandinista Revolution. In 1980 the so-called "Committee of Santa Fe" developed the blueprint of the Reagan policies through the Council for Inter-American Security. In

a then-secret document called "A New Inter-American Policy for the Eighties" this Committee wrote:

Nations exist only in relation to each other. Foreign policy is the instrument by which peoples seek to assure their survival in a hostile world. War, not peace, is the norm in international affairs ... The Americas are under attack. Latin America, the traditional alliance partner of the United States, is being penetrated by Soviet power. The Caribbean rim and basin are spotted with Soviet surrogates and ringed with socialist states. [...] The Nicaraguan base on the American continent will now facilitate a repeat of the new Nicaraguan revolutionary model.³⁶

The Santa Fe Committee dictated an aggressive policy in reaction to this perceived threat. The Reagan administration imposed a set of relationships which forced and conditioned the Sandinistas⁷ policies to a degree experienced by no other government in the history of the hemisphere. This is in keeping with the dynamics of Nicaraguan-U.S. relations since the 1860s when the U.S. "helped" Nicaragua to wrest control over the Atlantic Coast from British rule and simultaneously established a U.S. sphere of influence and control over the region.³⁷

Because of the anti-Communist and anti-Sandinista policies of the U.S., the ideological warfare in Miskitu territory assumed an unexpected dimension, beyond the Aboriginal struggle for self-determination or emancipation from the internal colonialism they had been subjected to for centuries. The Miskitu-nani were caught in the maelstrom of the so-called Cold War.³⁸ The Contra leader Steadman Faggoth Muller, half Miskitu, and according to the Sandinistas, a "... former Somoza agent and informant" charged that thousands have disappeared at the hands of the Sandinista government at the time of the relocation.³⁹ He claimed that only about 300 Miskitu-nani had survived to relocate. Americas Watch, a U.S.-based human rights organization,

investigated Faggoth's allegations and found they were unsupported.⁴⁰ Faggoth continued his propaganda campaign against the Sandinistas. In a broadcast over the U.S.-financed September 15 radio⁴¹ from Honduras, he gave the following harangue in Miskitu:

Don't let the Sandinistas vaccinate you. Don't allow them to vaccinate your children. The Sandinistas use two types of serum: one to sterilize you, the other turns you into a Communist. If you have a scrap of food and must choose between giving it to a dog or a Sandinista, give it to the dog. A dog can be a faithful friend. A Sandinista is always treacherous.⁴²

This example illustrates the degree to which tensions were created on the Atlantic Coast because of the Reagan administration's unrelenting anti-communist Cold War stance against the Sandinistas which was maintained at all cost. These tensions, based on some real grievances against the Nicaraguan government, were inflamed and exaggerated by fabrications such as these by Faggoth. The real grievances included legislation imposed without consultations or representation of Miskitu-nani. For example, the Sandinistas offended the Miskitu-nani by the imposition of the Spanish language in the literacy campaign.

According to figures from U.S. and irregular military forces in Honduras, a "significant number" of Miskitu-nani became allied with the U.S.-organized pro-Somoza irregular forces known as the "Contras." This war compelled the Sandinistas to reappraise their policies with regard to the Miskitu-nani and develop an Autonomy law for the Atlantic Coast in response to the opposition among the Miskitu-nani.

The Development of the Idea of Autonomy

With the Sandinistas' triumph over the Somoza dynasty in 1979, everything that happened in Nicaragua took on political relevance for the struggles of peoples throughout the rest of the continent. After the 1973 defeat of Allende's Peaceful Road to Socialism in Chile, the popular leftist movement of Latin America and its followers placed their hopes on Nicaragua. Nicaragua's experience it was believed, would clarify issues such as criteria for the survival of a social revolution and of ethnic minorities within the dominant nation-state. This minorities had demonstrated, since the seventies, a revival in their struggles for their right to collective identities, to common language, traditions, and, most of all to collective land ownership.

After the Sandinistas took power in 1979, young naive brigades of western Nicaraguans arrived on the Atlantic Coast carrying out a literacy campaign by imposing the Spanish language. They also brought in various other measures intended to increase production, stimulate economic activities and improve education for the region. Their objective was to achieve some sort of *development* in a Western sense for the populations of the Coast including Indigenous peoples. However, their strategies for development of the region gave rise to conflict. Dealing with this experience Robert Stone stated in his book *After the Fire's Gone Out*:

Ironically, just as the revolution created an opening for a new native self-image, the Sandinista initiatives clashed with the Indian identity. The government failed to respond adequately when the Miskitos complained that their cultural and land rights were being trampled. These tensions led to sporadic clashes between Sandinista authorities and Indians.⁴³

People of the Atlantic Coast, especially the Creoles, opposed the presence of Cuban doctors and teachers in the region and the policies of government expropriation in urban areas in favour of the Indigenous rural population. Well intentioned Sandinista measures were carried out unilaterally or without adequate consultation with the local population.

The Government also developed a policy of "integration" of the Atlantic Coast into the national infrastructure and social programs, which was interpreted and felt by the Aboriginal peoples of the region as promoting assimilation. By 1981, according to M. Rediske and R. Schneider, the Miskitu-nani were demanding "... an authentic indigenous revolution, increasingly separated from that of the Sandinistas, and the self-determination of all peoples."⁴⁴ A turning point in the Sandinista Government's policies toward the Miskitu-nani and other inhabitants of the Coast came about in 1985 when the government established a commission to look into the issues related to the problem of autonomy as well as other issues, such as economic, educational and health improvement of the region according to the plans and capacities of the Sandinista revolution.

The Autonomy Commission was originally composed of five members. Two of them were from the Atlantic Coast: Miskitu Hazel Lau and Creole Ray Hooker, some of the founding directors of MISURASATA, (*Miskitu Sumu Rama Sandinistas Asla Takanka* —Miskitu, Sumu, Rama and Sandinists United). This was an Atlantic Coast Indigenous movement founded in 1979 of which Brooklyn Rivera was named coordinator, Steadman Faggoth was appointed a member of the State Council, and Hazel Lau was put in charge of the government's literacy program in the Indigenous

languages.⁴⁵ Other members included anthropologists Galio Gurdian, director of the semi-autonomous Centre for Research and Documentation on the Atlantic Coast, (CIDCA), Manuel Ortega Hegg, and sociologist Orlando Nuñez, head of the Agrarian Reform Research Institute, (CIERA), branch office of the Ministry for Agrarian Reform, (INRA).⁴⁶ Luis Carrión, the original representative for the National Directorate of the Sandinista National Liberation Front (FSLN) responsible for the Atlantic Coast region since 1979, was later replaced by the Minister of the Interior (MINT) Tomás Borge, who became the Coordinator of the National Autonomy Commission. At the same time,

... spontaneous commissions on autonomy were formed representing all sectors of the coastal population. These commissions received official recognition in July 1985, and the members of the original five-member commission became advisors to a new consolidated body of eight coastal representatives.⁴⁷

Many academics who followed the process seem to agree that one of the most impressive elements of this process was the massive participation sought and sponsored by the government. Dunbar Ortiz noted:

It is doubtful that a single community was neglected in the consultations which took place. The government also organized an international consultation in Managua which brought more than 100 anthropologists, sociologists, international law specialists, and dozens of representatives of indigenous peoples from North America, Mexico, Belize, Honduras, Guatemala and Panama.⁴⁸

Nevertheless, there were those such as Charles Hale who initially suggested that the "Miskitu-nani were 'cowed' into submission"⁴⁹ in signing the peace with the Sandinista regime and accepting the terms of the Law of Autonomy. Later Hale himself recognized that his "assessment was wrong."⁵⁰ The Miskitu returned to the peace path, a path that, like everything else in Nicaragua, has two ideologically driven

interpretations. On the one hand, there were others who thought that the "... introduction of autonomy resolved the bulk of Miskitu demands," eliminating the need to mobilize for war. On the other hand, there were those who argued that "... military conditions favouring the struggle, changed, making continued frontal resistance hopeless or prohibitively costly."⁵¹

On September 12, 1987 the National Assembly of Nicaragua approved the *Statute of Autonomy for the Atlantic Coast Regions* in one more attempt to achieve peace in the region and above all, in the country. Apparently, the Autonomy Law did not come about because of enlightened good will on the part of the government alone, but because of the Sandinistas' urgent need to satisfy the demands of the Aboriginal peoples of the Atlantic Coast whose grievances were being exploited by the U.S. to undermine and bring down the Sandinista government.

The Regional Autonomy Law for the North Atlantic (RAAN) and South Atlantic (RAAS) regions provides for autonomous regional public government, the right to use their languages and maintain their cultures, the recognition and reinforcement of the ethnic identities by respecting the distinct nature of the Communities of the Atlantic Coast, the recognition of the right to communal land ownership, and rejection of "all kinds of discrimination" by acknowledging religious freedom. Except for the management of communal lands, all other resources are to be managed jointly by the autonomous regional governments and central government. The state powers are to be shared between the central government and the autonomous council comprised of

delegates from all ethnic groups and the law assures equality of rights and participation for all the ethnic groups living within the autonomous regions.

In 1987, the Assembly did not make provision for the implementation of the statute. In 1991 and 1992 implementation became the first demand of Atlantic Coast peoples, but it was not until July 1993 that a delegation of the Autonomous Regional Councils of the Atlantic Coast presented the president, **Doña Violeta** de Chamorro, a draft to expedite the implementation of the Autonomy Law. This draft contained 85 articles, among the most important of which are those referring to the natural resources of the region, to the transfer of power from the central government to the regional authorities and to the official language of the region. This document also dealt with international trade, including that with Caribbean nations, free trade zones and ports, the protection of the sea shores against cocaine trafficking and the right to harvest shellfish.⁵² In spite of these efforts the member of the Regional Autonomous South Atlantic (RAAS), J. Hodgson, protested that in 1993 no progress was made toward implementing the act.⁵³ The Miskitu-nani know that the Autonomy Law acknowledges the special rights of Indigenous peoples and that continued inaction on the part of the central government constitutes a flagrant violation of human rights for the Coastal peoples, because it denies them the possibility of developing their own culture.

NOTES

1. Centro de Comunicación Internacional, *The Atlantic Coast and Autonomy* (Managua: CCI, April 1987), 5
2. Jane Freeland, "Nationalist Revolution and Ethnic Rights: The Miskitu Indians of Nicaragua's Atlantic Coast," *Third World Quarterly* 11, no. 4 (October 1989): 168.
3. Mary W. Helms, *ASANG: Adaptations to Culture Contact in a Miskito Community* (Gainesville: University of Florida Press, 1971), 3.
4. Ibid., 4.
5. Ibid., 3. Note the specific differentiation between *traditions* and *Western civilization*.
6. One could argue that most Indigenous peoples in the Americas have suffered from the change in the aftermath of being obliged to effect some adjustment between their traditional way of life and the one imposed by the outside social, political, economic and spiritual system.
7. Helms, *ASANG: Adaptations to Culture Contact*, 4.
8. Ibid., 18. Helms recognized in a footnote that "...the theory of biological admixture among the Miskito versus genetic 'purity' among the Sumu has received limited support from a study done in 1960 which analyzed blood antigens from 150 Miskito and 103 Sumu, all from the Rio Coco area."
9. Ibid.
10. "Misurasata: *General Directions*," 1982. (The basic Program of MISURASATA), Klaudine Ohland and Robin Schneider, eds., *National Revolution and Indigenous Identity: The Conflict between Sandinists and Miskito Indians on Nicaragua's Atlantic Coast* (Copenhagen: International Work Group for Indigenous Affairs, 1983), 49.
11. Carlos M. Vilas, *State, Class & Ethnicity in Nicaragua: Capitalist Modernization and Revolutionary Change on the Atlantic Coast*, Susan Norwood, trans. (Boulder: Lynne Rienner Publishers, 1989), 13.
12. Dunbar Ortiz, "The Miskito Indians of Nicaragua," 5.
13. J. Taylor Hamilton, *A History of the Church Known as the Moravian Church: or the Unitas Fratrum, or the Unity of the Brethren during the Eighteenth and Nineteenth Centuries* (Bethlehem: Times Publishing Company, 1900), 427.
14. I subscribe to the understanding that there are no *race* divisions among human beings; such divisions have been made-up only because they have served the purpose of a so-called "white race" to impose its dominance and alleged superiority over the rest of people of the earth. It is somewhat disturbing to see to what ridiculous lengths and

pains some Europeans have gone in order to classify people in the Americas. As an example refer to Appendix "E".

15. John A. Booth and Thomas W. Walker, *Understanding Central America* (San Francisco: Westview Press, 1989), 21. Also see Michael D. Olien, "The Miskito Kings and the Line of Succession," *Journal of Anthropological Research* 39, no. 2 (Summer 1983): 198-241.

16. Vilas, *State, Class and Ethnicity in Nicaragua*, 15. Also see Philippe Burgois and Charles Hale, "La Costa Atlántica de Nicaragua," *Estudios Sociales Centroamericanos*, no. 54 (Septiembre-Diciembre 1990): 20.

17. Edward Long, *The History of Jamaica, or General Survey of The Ancient and Modern State of That Island: With reflections on its Situations, Settlements, Inhabitants, Climate, Products, Commerce, Laws and Government*, vol. 1 (London: Frank Cass and Company, 1970) [originally published 1774], 319.

18. Dunbar Ortiz, "The Miskito Indians of Nicaragua," 5.

19. Craig L. Dozier, *Nicaragua's Mosquito Shore: The Years of British and American Presence* (Alabama: University of Alabama Press, 1985), 3-4.

20. *Ibid.*, 4.

21. Vilas, *State, Class and Ethnicity in Nicaragua*, 9.

22. *Ibid.*

23. John Gerassi, *The Great Fear in Latin America* (New York: Collier, 1971), 226-228.

24. Booth and Walker, *Understanding Central America*, 28.

25. *Ibid.*, 21.

26. John Morris Ryan et. al., *Area Handbook for Nicaragua*, 1970 (Washington: U.S. Government Printing Office, 1970), 225.

27. *Ibid.*, 240.

28. Vilas, *State, Class and Ethnicity in Nicaragua*, 10.

29. Dieter Eich and Carlos Rincón, *The Contras: Interviews with Anti-Sandinistas* (San Francisco: Synthesis Publications, 1984), 15.

30. *Ibid.*

31. Freeland, "Nationalist Revolution and Ethnic Rights," 169.

32. Ibid., 166.

33. It is ironic that the United States rises as the champion for the Indigenous cause in a continent with a long history of U.S. interventions to assert its authority in Latin America. The U.S. took over half Mexico's national territory by 1848. It invaded Nicaragua, for the first time, in 1855. This was followed by the U.S. defeat of Spain in 1898. By 1902 Cuba had become a US protectorate; Panama was to follow in 1904. In 1954 the U.S. sponsored and financed the coup d'etat against the populist Guatemalan regime of Jacobo Arbenz. The story was repeated in 1961 in Brazil against the government of Joao Goulart. In 1965, the U.S. launched an invasion to the Dominican Republic to stop the populist government of Juan Bosch. Later we might add the U.S. sponsored coup d'etat in Chile, Bolivia, Uruguay, Argentina, and Peru.

34. Holly Sklar, *Washington's War on Nicaragua* (Toronto: Between the Lines, 1988), 103.

35. Ibid.

36. Committee of Santa Fe, "A New Inter-American Policy for the Eighties" (Washington, D.C.: Council for Inter-American Security, 1980), 1, 3, 19.

37. To many observers, U.S. interest in the Atlantic Coast and particularly in the Miskitos, recalls Washington's exploitation of ethnic minorities. Earlier the targets were the Hmong tribal people in Laos and the Kurds in Iraq. Holly Sklar, *Washington's War on Nicaragua*, and Roxanne Dunbar Ortiz, "The Miskitu Case," *Cover Action Information Bulletin* 18 (Winter 1983), 21-24.

38. It is beyond the scope of this thesis to analyze the extent of U. S. overall operations in Nicaragua with the Contras, however, it suffices to bear in mind that the same notorious Oliver North so prominent in the Iran-Contra affair, was involved in running earlier paramilitary operations with the Hmong people. Jim Naurecas and Richard Ryan, "The Lessons of Laos," *In These Times* (April 15-21, 1987). Cited in Sklar, *Washington's War*, 101.

39. Dunbar Ortiz, "The Miskitu Case," 23.

40. Sklar, *Washington's War*, 101.

41. The name "September 15" alludes to the date five Central American countries won their independence from Spain in 1821.

42. Quoted in Alvin Levie, *Nicaragua: The People Speak* (Massachusetts: Bergin and Garvey Publishers, 1979), 139.

43. Robert Stone, *After the Fire's Gone Out: The Legacy of a Revolution* (London: Prentice Hall, 1991), 218.

44. Michael Rediske and Robin Schneider, "National Revolution and Indigenous Identity: The conflict between the Sandinist Government and the Miskito Indians, 1979 to 1982." In Klaudine Ohland and Robin Schneider, eds. *National Revolution and Indigenous Identity: The Conflict between Sandinists and Miskito Indians on Nicaragua's Atlantic Coast* (Copenhagen: IWGIA Document no. 47, 1983), 19.

45. Previously the Indigenous organization was known as ALPROMISU, *Alianza para el Progreso de los Miskitos y Sumu* (Alliance for the Progress of the Miskito and Sumu), founded in 1974. ALPROMISU was one of the founding members of WCIP (World Council of Indigenous Peoples).

46. Dunbar Ortiz, "The Miskitu Case," 9.

47. Ibid. See also Martin Diskin, Thomas Nahmad, S. Salomón and Stéfano Varese, *Peace and Autonomy on the Atlantic Coast of Nicaragua* (Pittsburg: Latin American Studies Association, 1986), 178.

48. Ibid.

49. Charles R. Hale, *Resistance and Contradiction: Miskitu Indians and the Nicaraguan State, 1894-1987*. (Stanford: Stanford University Press, 1994), 166.

50. Ibid., 167.

51. Ibid., 170. As an illustration of what Hale noted: "Examples of the first position include Vilas (1989) and Freeland (1988); the second is put forth by Anaya (1987), Nietschmann (1989), and others who have denounced the United States for depriving Miskitu combatants of adequate funding and thereby forcing them to negotiate with the Sandinistas" (Ibid., 268).

52. *Cenidh: Boletín Informativo del Centro Nicaragüense de Derechos Humanos*, Año 4, no. 20 (marzo/abril 1994): 2.

53. Ibid.

CHAPTER 5

NUNAVUT: A BACKGROUND

This chapter will briefly sketch a history of the eastern Arctic and the events leading up to the Nunavut Final Agreement and the creation of the Nunavut territory as a way of recognizing a general picture of Inuit desire and struggle for self-determination. A historical overview of the Inuit of the Eastern Arctic will help to understand the nature of the dependency that Indigenous peoples have been drawn into since alien contact.

The Arctic, as a whole, is characterized by an environment called tundra, which means "bare mountaintops" in Finnish. This biome is considered a cold desert since precipitation is only about 20 cm. a year and it is cold and dark for much of the year in the northernmost areas. Water, frozen in winter, is abundant in summer because of little evaporation; only the top surface layers of the ground melt and the layer beneath this is called the permafrost. There are no trees and the ground is covered with short grasses and forbs during the summer period. Small animals are abundant. As S. Mader points out, there are large animals other than the ubiquitous bear: "... the caribou and the reindeer migrate to the tundra in the summer, and the wolves follow to prey."

Plants and animals need special adapting to endure the extreme cold of the tundra. The weather, noted Robert Bone, "... is associated with a particular type of natural vegetation, soils, and biological life."² The Arctic, he continued, "... lies north of the treeline, found primarily in the Northwest Territories but also in Quebec, Newfoundland, Ontario, Yukon, and Manitoba" (p. 19).

In summer the mean temperature is less than 10°C. R. Bone added that the Arctic flora is divided in two areas, Low Arctic and High Arctic:

The Low Arctic occupies the mainland while the High Arctic is found in parts of Keewatin and the Arctic Archipelago. The Low Arctic zone is characterized by nearly complete plant cover, including many shrubs, sedges, and scrub trees such as birch and willow. Tussock sedge and low tundra shrubs are the summer grazing of barren ground caribou, which are still a major source of food for Native people ... In the High Arctic zone, freezing temperatures occur almost daily and permafrost is present near the surface throughout the year so that even tundra vegetation growth is inhibited ... Such barren Arctic lowlands are called polar deserts (p. 19).

The border between what is called the ecological Subarctic and the Arctic is the treeline, "... and of the aboriginal peoples," asserted Bone, "only the Inuit developed the technology permitting year-round life in the Arctic" (p. 19).

From time immemorial the Inuit have lived in this region of the Arctic. In *The Inuit and their Land: The Story of Nunavut*, Donald Purich stated that "... the first evidence of Arctic settlement dates back some 4,000 years by people known as the Denbigh or Arctic Small Tool people, so named after the tools they left behind."³ The Inuit, as we know them today, have occupied the vast area of the Arctic and the sub-Arctic. Historians M. Conrad, A. Finkel and C. Jaenen pointed out in *History of the Canadian Peoples* that the Arctic is

... an area of no trees, little soil, and harsh, long winters ... Only small concentrations of people dispersed throughout the region could be supported without depleting the caribou, moose, fish, waterfowl, and fur bearing animals that the regional populations depended upon for basic survival.⁴

Anthropological studies claim that the Inuit are direct descendants of the Thule people. Conrad, Finkel and Jaenen noted that by the sixteenth century, this people "... enjoyed undisputed control of the tundra region beyond the tree line,"⁵ after regularly following the caribou to the east, from the western Arctic. Their language is Inuktitut and "... they were alone among the first nations of Canada to have claimed a home on two continents when the Europeans first arrived."⁶ When the Europeans contacted them, they called the Inuit "Eskimos".⁷

In spite of its remoteness, the Arctic in the Americas was finally found by European explorers. A. D. **McMillan** established that contact between the Inuit and people from Europe can be traced to the Norse settlement of Greenland in "... the form of both battles (according to Norse sagas and Inuit legends) and trade (~~as~~ revealed by archaeology)."⁸ The first historic contact recorded is the visit by Martin Frobisher, in 1576, to what is today Baffin Island. Early contacts include, among others: Henry Hudson, who navigated the bay named after him in 1610; Hans Egede, who in 1721 went west of the island in search of the descendants of the Norse settlers;⁹ Samuel Hearne in his expedition in the mid-1700s; Edward Parry, who went to what we know now as **Melville** Island in 1819 and John Franklin, who in the same year reached the **Coppermine River**.¹⁰ When European explorers began to travel more frequently to the western hemisphere, they met the original inhabitants whose encounter with the newcomers "... was bound to be a less than happy one for most of the aboriginal

peoples."'' Some academics have suggested that the early explorers' endeavour had little impact on the Arctic or on the inhabitants since, in Purich's words, "... they saw and they left."¹² However, these explorers drew an indelible image of the North. As Kenneth Coates noted:

Explorers like Baffin, Foxe, James, and Jens Munk, who together defined the contours of Hudson Bay and the eastern Arctic islands; and those like Franklin, Back, Richardson, Simpson, and Dease who examined the central Arctic, all played a vital role in redefining European perceptions of the **north**.¹³

These adventurers and voyageurs did not open the North to colonization, but they provided a path that certainly eased the task of the fur traders.

Coates noted that "... until the arrival of European fur traders in the Canadian North, the region lacked economic value to colonizing powers and therefore attracted only marginal interest" (p. 41). The Hudson's Bay Company (HBC — "Here Before Christ" as it is known in the North) remained on the edge of the territory for a long time without penetrating inland. Occasionally the Company sent a few men inland to contact Indian traders, but "... the tragic end to a 1719 expedition ... along the northwest coast of Hudson Bay was sufficient to postpone [other expeditions] for more than half a century" (p. 41). Samuel Hearne, who led an expedition in search of copper deposits in 1767 and discovered the Coppermine River in 1769, accomplished his objective in 1771 according to A.S. **Morton**.¹⁴ Although this had little economic importance, it "... had some academic significance ... it indicated the northern extent of the continent."¹⁵

The lifestyle of the Inuit began to gradually change once they established contact with Europeans. Although Inuit contact with missionaries and other newcomers in

previous centuries was not as constant as that of other Natives of North, Central and South America, European diseases attacked the Inuit population with results as devastating as in the more populated "virgin soils" of the continent. According to J. Taylor Hamilton in the 1770s "... came the dreadful small-pox, introduced by a native who visited Denmark. Two or three thousand Eskimos of the west coast [of Greenland] were swept away by it."¹⁶ However, by the end of the eighteenth century the Inuit were, in general terms, the only Aboriginal people who "... still lived outside direct European contact."¹⁷

Even sporadic contact brought changes in Inuit life and practices. E. H. Ackerknecht pointed out:

Whaling, later the fur industry, and the search for a Northwest passage resulted in a continuous penetration of Eskimo territories by white men from the East throughout the following centuries, the Dutch competing with the Danes, the Scots with the Dutch, the Americans with the Scots and English.¹⁸

The advent of American whalers who "... arrived in the middle of the 19th century ... seriously affected" the life and the natural environment of the Inuit of today's **Labrador**.¹⁹ Whalers did not only pass by, they were among those who first introduced European commercial goods, and began changing the Inuit natural environment. Purich noted that "Inuit were often hired to help with the whale hunt ... In return they received goods such as tea, chewing tobacco, rifles, traps and utensils."²⁰ John Hamilton also noticed that:

The ancestors of the modern Inuit, those of the Thule culture, were great whale hunters —big whales, such as bowheads. They lost the art during the "Little Ice Age" from 1650 to 1850, but the whaling legends remained part of their culture. When the English and Yankee whalers arrived and invited them to participate, the Inuit were delighted. They liked the excitement of whaling and they liked

trading meat, ivory, furs, and carvings to the kabloonat [plural in Inuktitut of "kabloona" or "white man"] for steel axes, traps, needles, guns, ammunition, and a few commodities like tobacco, salt, and flour.²¹

European whalers had adopted, rather early, some of the Inuit practices. Ackerknecht noted that "... it must not be forgotten that for 400 years, until kerosene came into use, European homes were lighted in the Eskimo way, that is with whale oil."²²

The Inuit were, for a long time, generally isolated from European influence, because potential settlers did not enjoy the climate or the terrain, and the trade networks of the Hudson's Bay Company were scattered in the far eastern north. Allan McMillan noted that "... most trade from Hudson Bay was with the Indians of the fur-rich forest, giving these people the advantage of firearms long before the Inuit."²³ Whalers, however, caused a profound interruption in Inuit life. Purich held that "... a combination of plentiful alcohol and the availability of Inuit women led to unprecedented debauchery."²⁴

Eventually, constant contact with the newcomers would finally arrive. Moravian Missionaries were the first Europeans who established a base in the eastern Arctic. From the beginning of the eighteenth century Moravian missionaries were proselytizing in Greenland and from there missionary Hans Edge decided to look for the Norse settlers in the lands further west. He did not find the Norse; instead he found the "Eskimos," to whom "... he heroically ministered for their bodily diseases, though as yet he could not find the key to unlock their hearts..." according to Taylor Hamilton.²⁵ Early continuous contact took place in what is today Labrador and Newfoundland where, A. McMillan related "Moravian missionaries, familiar with the Inuit language from

Greenland, helped the English governor of Newfoundland negotiate peace with the Inuit in 1765.”²⁶ The establishment of trading posts in the early Moravian missions by the fur traders eventually created settlements that rapidly brought and established a foreign culture, economy and a system of social welfare dependency to the people of the North. A. McMillan maintained that “... as well as a church, each mission contained a trading post to supply the goods upon which the Inuit had become dependent.”” The HBC’s expansion to the Arctic, noted Coates, although late, enabled also “... both the Church Missionary Society (Anglican) and its bitter rival, the Roman Catholic Oblates of Mary Immaculate to approach the north simultaneously.”²⁸

The history of the Inuit is similar to that of any other Aboriginal nation after contact. European discovery brought enormous disruptions to the life, customs and culture of peoples. European contact also introduced diseases and other social ailments that devastated the Aboriginal way of life and population to a degree that in some cases challenged their very survival.²⁹ The Inuit, as all other Aboriginal nations, used to provide their own sustenance and governance. The whalers, the fur traders and the missionaries were the first to change the Inuit way of life for the worse. Oblate missionary Guy Mary-Rousseliere recalled a 19th-century naval officer who, after taking possession of an island in the Pacific, reportedly said, "Let us create needs for them; then they will not be able to get along without us.”³⁰ When the traders wintered over and established themselves, after hiring Inuit as trappers and hunters, “... they paid them weekly in provisions —tea, tobacco, molasses, biscuits— and these goods quickly became Eskimo essentials.”³¹

Living conditions worsened gradually as a result of the erosion of Inuit self-sufficiency. From the beginning of this century the Canadian government, in contrast to other European or Eurocentric administrations such as the Danish in Greenland, established a different set of priorities affecting the Eastern Arctic and the Inuit. For Canada, it seemed the most important priority was the maintenance of order. R. Quinn Duffy stated that "While the Danes sent doctors, nurses, teachers, and missionaries to the Inuit in their [sic] charge in Greenland, the Canadians sent policemen [Royal Canadian Mounted Police —**RCMP**] to the Inuit in their [sic] charge in the Canadian Arctic."³² It is true the police performed a variety of roles. The institution's foremost and primary role, however, was and continues to be keeper of the established order. Between 1905 and 1920 the RCMP were the chief guardians of the Northwest Territories. Yet, the government, the police and the rest of Canadians knew next to nothing about the Inuit and "... had no idea what to do with them."³³ Non-Natives' incursions into the Far North expanded rapidly, and existing political, religious and economic institutions tried to toss the "Inuit problem" back and forth to each other, especially in the Province of Quebec. Frank Tester and Peter Kulchyski analyzed a critical stage for the Inuit in their relationship with non-Native institutions during the 1920s and 1930s.

... the consequences of non-Native expansion in the Far North were being felt by Inuit. The health and welfare of Inuit in the Keewatin and Mackenzie districts had already been seriously affected by whaling and trading activities, while at the same time government, missionaries, and fur traders were busy arguing about who would bear the cost of social assistance. The parties argued with each other and among themselves. The objective was to force one or the other of these agencies to assume responsibility.³⁴

The Quebec Provincial and the Federal governments and the Hudson's Bay Company quarrelled over the problem of what they called the "destitute Inuit" which finally went to the Supreme Court of Canada. However, the need for immediate relief for the Inuit remained urgent. Tester and Kulchyski cited a letter written by the then minister of justice H. Guthrie who wrote:

Since humanitarian considerations obviously require that *destitute Eskimos resident within the Province of Quebec should not be left to die pending the determination of the constitutional question involved*, I am to inform you that this Government has taken the necessary action to request the trading companies to arrange, through their posts in the northern parts of Quebec, to afford necessary relief to destitute Eskimos (not beyond absolute necessities nor by way of relieving the companies from their practice of grubstaking hunters) in the same manner as they have in the past [emphasis added].³⁵

Tester and Kulchyski stated that in the 1940s and 1950s the government and the Hudson's Bay Company would relocate many Inuit communities using a variety of arguments such as: 1) the need of schooling for Inuit children, which led to permanent settlements; 2) there were medical evacuations due to the spread of tuberculosis; 3) relocations, used as a "... solution to rising relief bills"; or 4) the HBC attempts to "exploit the potential Arctic fox in regions not inhabited by Inuit."³⁶ Other arguments used by government included an apparent drastic decline of a main staple of the Inuit, the caribou which would bring traumatizing changes to Inuit society. Hamilton related that:

During the 1920s, caribou were so reduced (according to Anthropologist Eugene Yarima) that hundreds of Inuit starved to death. He estimated that only 500 Caribou Inuit were left, and in 1925 Knut Rasmussen said of white influence: "The clocks cannot be turned back. In most sections the young men are familiar with firearms and have lost their ability to hunt with bows and arrows, kayaks and spears."³⁷

Another reason for the government to *take* the North was to consolidate Canadian claims to sovereignty in the region. Hamilton noted that by the 1950s "Ottawa established Inuit communities at Grise Fiord on Ellesmere and at Resolute on Cornwallis Island, thus creating the farthest northern communities in North America."³⁸

To all of this one must add, as well, changes in Inuit material possessions, like clothing and food which were supplied by traders. The Inuit "... became dependent on family allowances and other forms of relief," since they could no longer maintain their traditional way of life.³⁹ Simultaneously, according to Mary-Rousseliere, Inuit have been employed by an expanding invasion of southern companies rushing to explore the "... Arctic's long-hidden treasures of oil, iron, lead, and zinc."⁴⁰

Since the beginning of the century Canada has striven to make sure that, both nationally and internationally, the Arctic would be recognized as Canadian territory. This was carried out, however, without consultation or reaching an understanding with the Inuit population. H. Brody, in *The People's Land: Inuit, Whites and the Eastern Arctic*, observed:

Canadian interest in the Eastern Arctic had a typically colonial aspect: land and people were incorporated into a growing political entity without regard to the people's own wishes. Inuit would indeed have found it hard to express wishes in the matter, for they had heard little of the institutions and less of the nation that was carrying out the process.⁴¹

The Inuit were forever changed through the transformations brought about by the Canadian nation.

The availability of life-sustaining whales, seals and caribou determined the distribution of Inuit population throughout the Arctic. However, because of the new fire

arms, white interest in seal fur, and because of Euro-Canadian settlement, the staples of Inuit hunting became scarce. In *The Road to Nunavut: The Progress of the Arctic Inuit since the Second World War*, R. Quinn Duffy asserted:

... the ecologically determined hunting and fishing way of life and the use of igloo and tent that was an integral part of it prevailed in the Eastern Arctic until the Second World War. A trading post had become the centre for the few hundred Inuit who lived in each local area.⁴²

These ecological changes also brought changes in Inuit society and material well-being. In the settlements, for example, Inuit performed low-status jobs, just as the Miskitu-nani in the plantations and mines or any other Aboriginal people throughout the hemisphere. Mary-Rousseliere wrote:

In Pond Inlet, one [Inuit] is the school janitor, another a mechanic. Others are garbage collectors, and fuel and water distributors. Even the elderly Qumangapik has found suitable employment: A law says all dogs must be tied up, and Qumangapik shoots the strays.⁴³

Mary-Rousseliere recounted that in 1944 in Pond Inlet, Baffin Island, there were 22 Eskimos plus some "whites," including a couple of Mounted Policemen, a manager of the Hudson's Bay Company store, two Anglican ministers, and two Catholic priests. By 1971 "... the native population had grown to 390 as families have been *encouraged by the government* to move in from outlying camps [emphasis added]."⁴⁴ Like other original peoples of the Americas, the Inuit have also had a different form of government imposed on them: a form which was completely foreign to them.⁴⁵ The new political institutions did not, obviously, reflect Inuit interests and aspirations. The federal government of Canada administered the Northwest Territories until the 1950s. The members of the Territorial Council were elected from and by residents for the first time

in 1951. Hamilton offered a clear general picture of the situation in the Arctic at the time. He stressed that by the early 1950s

It didn't take a genius to tell the Ottawa mandarins that the rules had to be changed to make it easier to develop northern resources. This would involve wider political and taxation rights for whites already in Yellowknife, and there might have to be new rules for the indigenes. And something had to be done to protect Canadian Arctic sovereignty from the Americans, who were pressing for military bases.⁴⁶

It was then that some of the most pressing crises of the Arctic Aboriginal peoples came to the notice of southern Canada. Hamilton stated that "... hundreds of Inuit in the Barren Lands and in Ungava were starving because of the failure of the caribou migrations" (p. 58). Game stock was in decline from around 1910 onward and by the 1930s the fur trade market had disintegrated "... wiping out the only source of cash money for both Inuit and Indians. (Ironically, the Inuit had only just accepted the trapline as a way of life)" (p. 59). Julian Burger noted that by the mid 1960s the Inuit would acquire an increasing consciousness of their rights and their cultural identity. "Most Inuit," wrote Burger, "... recognize that a return to the old way of life is now no longer realizable, so they are demanding a greater share and control of the wealth produced from their lands."⁴⁷ In 1967 the federal government appointed a resident Commissioner of the Territories and between 1969 and 1974 it transferred federal programs to the territorial government, "... such as education, social services, local government, housing and infrastructure."⁴⁸

The movement toward effective self-government, however, was slow. A 1979 report prepared for the Board of Directors of Inuit Tapirisat of Canada reflected that "... until 1953 [when the Department of Northern Affairs and Natural Resources was

created] the North had been governed almost absent-mindedly by the federal government.”⁴⁹ The major complaint of residents about the Government of the North West Territories (GNWT) was that it “... had a consultative rather than an authoritative role in mineral rights ... Without control of land and resources, the GNWT’s ability to raise revenue, through taxation, royalties, and the like, is very limited.”⁵⁰ The GNWT had for the most part, relied on federal government subsidies rather than depend on income. Mining companies would seldom hire Inuit, but they exploit the land affecting even more the life and the environment of the Indigenous people. In 1986 J. Burger wrote:

... probably the single most significant event for indigenous peoples in the rich countries [like Canada] in the last two decades has been the acceleration of mining and other exploitation on the residual and apparently valueless areas of the country left in their hands.”

Because of such acceleration, which rapidly destroys even the areas where Aboriginal people live, land settlements play a significant role in Native people's efforts to gain recognition and the right to exist as a people.

For the people of Nunavut, as for any other people, political development and land claim settlement depended on a combination of several factors, namely the completion of the land claims negotiations, the creation of territorial (or provincial) status, and a popular plebiscite. Dennis Pattersen, Chairman of the former Nunavut Constitutional Forum declared: "What we need is a political framework in which economic development can take place with the full involvement of our people.”⁵² This is what the Inuit expect from the Nunavut Land Claim Agreement. The three parties involved, the Federal government, the Northwest Territories and the Tunngavik

Federation of Nunavut, were committed to a political agreement dealing with levels of power, rationale of financing and a time frame for the establishment of the Nunavut government, for which a majority voted in 1992.

The Development of the Idea of Nunavut

By 1870 the eastern Arctic area became part of the North West Territories (NWT) of Canada. After many years of depending on distant administrative centres, the Indigenous inhabitants of the Eastern Arctic finally reached a settlement with the Canadian government for the land they have occupied for many thousands of years, and gain recognition of their right to it after many decades, as J.D. Hamilton indicated:

Until the 1950's, the Government of Canada scarcely recognized the indigenous inhabitants of the eastern Arctic as human: they seemed like mysterious denizens of some Norse legend transplanted to America. In 1993, exactly forty years later, Prime Minister [Brian] Mulroney went to Iqaluit [former Frobisher Bay], the Baffin Island capital, to sign a deal with the Inuit. He brought with him hope for the first aboriginal self-government in Canada.⁵³

Self-administration, as a means to achieve self-determination, is precisely what the Inuit are expecting to exercise with the new agreement beginning in 1999, when Nunavut will come into being.

The formation of a new territory with provincial status called Nunavut (Our Land) becomes the final step in the process of negotiation by the Inuit with the Canadian government. Some of the major arguments for the creation of Nunavut are that: 1) Northern communities have different problems and living conditions than the rest of Canada. 2) The predominance of Native languages and culture over those of non-Natives is stronger here than elsewhere in Canada; therefore "... this should be reflected

in future political development throughout the NWT.”⁵⁴ 3) The Arctic and its communities are an “... integral part of Canada, and, therefore, solutions to northern problems should for the most part be derived from Canadian experience.”⁵⁵ Inuit leaders also argue that political development should take the unique conditions of the North into consideration while drawing upon the Canadian political experience. Aboriginal people also expect non-Natives to understand that this political development should consider that Inuit “... have just as much at stake in the development of the lands and water upon which they depend for their livelihood as do Canadians as a whole.”⁵⁶ In 1976 the Inuit of central and eastern Arctic proposed a division of the Northwest Territories, an area of 3,376,698 square kilometres, by creating a new region involving around 1,900,000 square kilometres. A 1982 plebiscite showed that 56.5% of those who voted were in support of a division of the Territory.

In the 1984 First Ministers' Conference on Aboriginal Rights, then Prime Minister Pierre Elliot Trudeau said: "The Government of Canada has agreed in principle to the division of the Northwest Territories, and is ready to give favourable consideration to the Inuit proposal.”⁵⁷ The succeeding steps went along at the usual slow bureaucratic pace. In 1985 the Northwest Territories Legislative Assembly “... passes a motion supporting the principle of division” (p. 1). In 1990 the Government of the Northwest Territories, the Tunngavik Federation of Nunavut (TFN) and the Government of Canada “... sign the Agreement-in-Principle for the TFN land claim agreement” (p. 1). In April 1992 “... the finalized Nunavut Political Accord ... is initialled in Ottawa” (p. 1).

In a ratification vote held on November 3-5, 1992, most of the 22,000 Inuit and others living in the eastern Arctic of Canada made the Nunavut Land Claim a tangible reality that would change the national map of Canada; the first such change since 1948 when Newfoundland joined **Confederation**.⁵⁸

As in the case of the Yukon, the provinces of Alberta, Saskatchewan, Manitoba, and parts of Ontario and northern Quebec, Nunavut will be carved out of the Northwest Territories. The boundaries follow the sixtieth parallel from the Saskatchewan and Manitoba borders to the eastern regions of the Hudson Bay. The line continues north following the territorial sea to Ellesmere Island across the crest of Canada and travels south to Victoria Island and then follows a line west of Coppermine back to the sixtieth parallel (See Appendix "D").⁵⁹

The creation of Nunavut means that the Canadian Federation formed a constitutional partnership with the Inuit people. This partnership is to manage the environment and administer economic development of one fifth of the country's land mass and two-thirds of Canada's coastal land; a total of almost two million square kilometres.⁶⁰

NOTES

1. Sylvia S. Mader, *Biology: Evolution, Diversity and the Environment* (Dubuque: C. Brown Publishers, 1987), 680.
2. Robert M. Bone. *The Geography of the Canadian North: Issues and Challenges* (Toronto: Oxford University Press, 1992), 17.
3. Donald Purich, *The Inuit and their Land: The Story of Nunavut* (Toronto: James Lorimer and Company, Publishers, 1992), 25.
4. Margaret Conrad, Alvin Finkel and Cornelius Jaenen, *History of the Canadian Peoples: Beginnings to 1867*, vol. 1 (Toronto: Copp Clark Pitman, 1993), 8. It seems as the authors are referring to a certain time which is gone: "...small concentrations of people ...could be supported" and the natural resources to support people seems to be gone too, because "regional populations depended" upon them for their "basic survival."
5. Ibid., 39.
6. Ibid.
7. The Geographic Board of Canada, *Handbook of Indians of Canada* states: "The name Eskimo (in the form Excomminguois) seems to have been first given by Biard in 1611. It is said to come from the Abnaki *Esquimantsic*, or from *Ashkimeq*, the Chippewa equivalent signifying 'eaters of raw flesh.' They call themselves Innuit, meaning 'people.' " See the *Handbook of Indians of Canada* (Ottawa: C.H. Parmelee, Printer to the King's Most Excellent Majesty, 1913), 148.
8. Alan D. McMillan, *Native Peoples and Cultures of Canada: An Anthropological Overview* (Vancouver: Douglas and McIntyre, 1988), 264.
9. Erwin H. Ackerknecht, M. D. "Eskimo History," *Ciba Symposia*, 10, no.1 (New Jersey: Ciba Pharmaceutical products, Inc., 1948), 911. Ackerknecht explained: "At the end of the first millennium of our era the seafaring Norsemen became the terror of Western Europe and the founders of kingdoms in Ireland, Normandy, Sicily, the Holy Land, and Russia. The same wave of expansion carried these Vikings via Iceland to the northeastern shore of the Western Hemisphere 600 years before our continent was 'officially' discovered by Christopher Columbus."
10. Purich, *The Inuit and their Land*, 29.
11. Conrad, Finkel and Jaenen, *History of the Canadian Peoples*, 41.

12. Ibid.

13. Kenneth Coates,, *Canada's Colonies: A History of the Yukon and Northwest Territories* (Toronto: James Lorimer and Company, Publishers, 1985), 32.

14. Arthur S. Morton, *A History of the Canadian West to 1870-71: Being a History of Rupert's Land (The Hudson's Bay Company's Territory) and of the North-West Territory (Including the Pacific Slope)* (Toronto: Published in Co-operation with University of Saskatchewan by University of Toronto Press, 1973, 291-93 [originally published in 1939].

15. Coates, *Canada's Colonies*, 42.

16. J. Taylor Hamilton, *A History of the Church Known as the Moravian Church: or the Unitas Fratrum, or the Unity of the Brethren during the Eighteenth and Nineteenth Centuries* (Bethlehem: Times Publishing Company, 1900), 60. The devastating effects of European diseases among Indigenous population of the Americas are well known and documented. Julian Burger, for example, noted that "... epidemiological studies of newly contacted indigenous communities show that minor viral infections cause high death rates. Among the Yanomami of Venezuela, for example, epidemics of measles or whooping cough have been responsible for mortalities of up to 30 per cent in some communities and present diseases such as tuberculosis and malaria threaten them with extinction. In Brazil in this century alone at least 87 Indian groups have become extinct as a consequence of contact with outsiders." Julian Burger, *Report from the Frontier: The State of the World's Indigenous Peoples* (London: Zed Books, 1987), 24.

17. Conrad, Finkel, and Jaenen, *History of the Canadian Peoples*, 310.

18. Erwin Ackerknecht, "Eskimo History," 911.

19. John David Hamilton, *Arctic Revolution: Social Change in the Northwest Territories, 1935-1994* (Toronto: Dundurn Press, 1994), 13.

20. Ibid., 30.

21. Ibid., 5, 13.

22. Ibid.

23. McMillan, *Native Peoples and Cultures*, 265.

24. Ibid.

25. Taylor Hamilton, *A History of the Church*, 49. Note the terminology used to praise the missionaries and to diminished the Inuit. It can be argued that the text reflects its own time. However, to cite this text without comment only perpetuates prejudices not

only against the Inuit but also against any other Aboriginal people.

26. McMillan, *Native Peoples and Cultures*, 265. Note that this arrangement seems to have been a local initiative, and cannot be considered as "a Treaty", since the Governor of Newfoundland was not officially representing the Queen of England.

27. Ibid.

28. Coates, *Canada's Colonies*, 59.

29. It is possible to assume that when a social group face the rapid physical decimation of their population and all knowledge fails to stop or prevent such destruction, the survivors would question their own set of values and beliefs.

30. Guy Mary-Rousseliere, "I live with the Eskimos," *National Geographic* 139, no. 2 (February 1971): 208.

31. Ibid.

32. R. Quinn Duffy, *The Road to Nunavut: The Progress of the Eastern Arctic Inuit since the Second World War* (Montreal: McGill-Queen's University Press, 1988), 4.

33. Ibid., 5.

34. Frank James Tester and Peter Kulchyski, *Tammarniit* (Mistakes): Inuit Relocation in the Eastern Arctic 1939-63 (Vancouver: UBC Press, 1994), 27.

35. National Archives of Canada (hereafter NAC), RG 85, Vol. 825, file 7257, pt. 2, "Memorandum, to H. H. Rowatt, Esq., Deputy Minister of the Interior, Ottawa, 'Destitute Eskimos in Northern Quebec,' [from] Chairman, Dominion Lands Board," 26 July 1933, 2. Cited in Tester and Kulchyski, *Tammarniit*, 32.

36. Tester and Kulchyski, *Tammarniit*, 43, 44, 45.

37. J. D. Hamilton, *Arctic Revolution*, 14.

38. Ibid., 40.

39. Ibid., 22.

40. Mary-Rousseliere, "I live with the Eskimos," 215.

41. Hugh Brody, *The People's Land: Inuit, Whites and the Eastern Arctic* (Toronto: Douglas and McIntyre, 1975), 26.

42. Quinn Duffy, *The Road to Nunavut*, 21.

43. Ibid.. 215.

44. Mary-Rousseliere, "I live with the Eskimo," 191-92.

45. Furthermore, after the Canadian government extended its jurisdiction over the Arctic it acted as if the Inuit did not exist. When a "local" government was established its seat was Yellowknife which is 2,300 kilometres from Iqaluit, previously Frobisher Bay, the chief urban centre in the eastern Arctic. In comparison Montreal is approximately 2,800 kilometres from Edmonton and neither city would tolerate being governed from the other.

46. J. D. Hamilton. Arctic Revolution, 57.

47. Burger, Report from the Frontier, 182.

48. Canada: Minister of Indian Affairs and Northern Development, "Nunavut Backgrounder," (Ottawa: Minister of Indian Affairs and Northern Development, June 1992), 1.

49. Political Development in Nunavut: A report prepared for the Board of Directors of Inuit Tapirisat of Canada, to be discussed at the Annual General Meeting, September 3-7, 1979, Igloolik, 2.

50. Ibid., 3.

51. Burger, Report from the Frontier, 178.

52. Ibid., 182. Quoted from *IWGIA* Newsletter, no. 38 (July 1984): 51.

53. J. D. Hamilton, Arctic Revolution, 7.

54. Political Development in Nunavut, 4

55. Ibid.

56. Ibid.

57. Minister of Indian Affairs and Northern Development, "Important Dates and Events in the Process to Create Nunavut" (Ottawa: Minister of Indian Affairs and Northern Development, 1992), 1.

58. Jeffrey Simpson, "Paying for Native Self-government: If Nunavut's the Model, it's a Big Tab," The Globe and Mail, Thursday, February 4, 1993.

59. Source: Nunavut: Changing the Map of *Canada*, Ian Parker (Director and Producer) Image Projections of Ottawa. Indian and Northern Affairs Canada, 1992.

60. Ibid.

CHAPTER 6

THE LAW OF AUTONOMY AND THE NUNAVUT AGREEMENT

This chapter examines the terms of the *Estatuto de la Autonomía de las Regiones de la Costa Atlántica* of Nicaragua (*Autonomy Statute for the Regions of the Atlantic Coast of Nicaragua*) and the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada* to see if either agreement brings the Inuit and the Miskitu-nani closer to a long awaited self-determination to run their own affairs **as** a distinct group of peoples within the borders of existing nation-states.

The Law of Autonomy

The Law of *Autonomy* No. 28 passed by the Sandinista government of Nicaragua in 1987 and ratified by the Chamorro government in 1994 recognizes the need for some home rule for the different ethnic communities inhabiting the Atlantic Coast of Nicaragua and grants the northern and southern Atlantic regions autonomy in principle by setting up a form of regional self-administration. This law reflects a substantial political commitment to the principle of regional self-government, maintaining, at the same time, the principle of the sovereignty of the nation-state which shows a clearly

demarcated difference between these Indigenous peoples and those who seek total secession. Technically, implementation should have begun in 1987, but the intensity of the Washington-directed Contra war against the Sandinista government prevented any effective action towards implementation of the Law. In 1990 the ruling party, the Sandinista Front for National Liberation (FSLN), lost the elections and the newly elected administration did not make implementation of the Agreement a priority on its agenda.

The *Law of Autonomy* affirms that autonomy enriches the national culture; recognizes and upholds ethnic identity; respects the specific ethnic characteristics of the Communities of the Atlantic Coast; recognizes these communities' history and endorses the right to communal land ownership. This law expressly repudiates all kinds of discrimination. It guarantees religious freedom without making specific references to Aboriginal spirituality or spiritual expression. The *Law of Autonomy* establishes that both Spanish, the official language of the State, and the languages of the different communities of the Atlantic Coast will be officially used in the Territory. It acknowledges that Indigenous people require a "... profound transformation of the political, economic, and cultural order, to effectively achieve their demands and aspirations."¹ The recognition of Aboriginal "... demands and aspirations" is an admission of Indigenous people's right to exist as a distinct people. This statute also validates the proposition that autonomy for the communities of the Atlantic Coast gives them an effective role in utilizing the area's natural resources, without specifying the terms of participation. The Law establishes that these communities will be able to decide the method by which benefits from such resources "... are to be re-invested in

the Atlantic Coast and the Nation, creating, thus, the material base that will guarantee the survival and development of their cultural expressions.”²

The Law refers to all of those who live in both Northern and Southern Regions of the Atlantic Coast as communities, without explicit mention of their ethnic composition. At the same time, there are articles and references which could be construed as implicit references to self-determination for the Miskitu-nani as defined in the 1980 "International Covenant on Economic, Social and Cultural Rights" discussed in Chapter 1. For example, this law acknowledges the common historical tradition of the communities of the Atlantic Coast as well as their ethnic identity. It also refers to the linguistic unity and territorial connection of the Atlantic communities. Based on the Law, the Miskitu-nani would exercise a degree of freedom in determining their own political status in pursuing their economic development, in providing for their own traditional means of subsistence and in working for their Indigenous social and cultural advancement within the nation.

The Law of *Autonomy* states that it recognizes the distinctive character of the people ("comunidades") who live on the Atlantic Coast of Nicaragua. However, by stressing that these communities are an "... indissoluble part of Nicaragua" and stating that its inhabitants have the same rights and duties as other citizens, this Law tacitly denies an explicit recognition of ethnicity, for example, the right to be exempted from military service based on ethnic origin. The Law came in existence in an special moment of Nicaragua's history, the war against counter revolution. Thus, despite their recognition of the "distinctive" character of the Atlantic Coast communities, the

Sandinista central government also saw the importance of promoting "unity" and "fraternity"⁷ among all Nicaraguans. The Sandinista regime sought to ensure the Atlantic Coast a special character within the nation; therefore, the RAAN and the RAAS enjoy a regional autonomy that guarantees all communities of the Atlantic Coast their rights under the Nicaraguan Constitution. Only the RAAN will be discussed here, because the majority of the population on the southern region, the RAAS, is non-Indigenous.

The RAAN, involving the Special Zone No. 1 and adjacent Cays has its administrative capital in Puerto Cabezas, a town of 6,000 inhabitants (see Appendix "C", "Ethnic map of the Atlantic Coast"). Its regional government, which can technically run its own political and economic affairs, is composed of a Regional Council and a Regional Coordinator, both the highest authorities of the region within their own spheres. There are communal and municipal authorities as well as others that correspond to the administrative subdivisions of the municipalities. The Regional Council is configured of "... 45 universally elected members ... representing all the ethnic communities of the RAAN according to an electoral system to be determined," and additionally "... the representatives [of the RAAN] to the National Assembly." The administrative organizations of the Atlantic regions of Nicaragua are "... subject to the constitution" as any other public form of government. The ethnic composition of the Regional Council, elected February 1991, shows how precarious Indigenous self-administration can be. Out of 45 elected members, there are 2 Creoles, 18 Mestizos, 3 Sumos and 22 Miskitu-nani. If the Creoles, Mestizos and Sumos were to unite

politically, the Miskitu-nani would no longer have a majority. To this ethnic composition we must add the three Members of Parliament who represented the Region in the National Assembly. In total there were 8 women and 40 men.³

Chapter 3 of the *Law the Autonomy* provides for full participation of the regional governments in designing and implementing the national development programs in the regions. Communities living in the Coast are to administer their own health, education, culture, transportation, supply, and communal programs, among others, in coordination with the respective ministries. As well, these communities will be able to promote a rational use of waters, woodlands, and lands in protecting their ecological balance. The autonomous regions will also be in charge of promoting and developing their traditional cultures throughout the area, including the promotion and development of Aboriginal traditional medicine as well as their traditional commerce with Caribbean nations according to the national laws and proceedings ruling in this matter.⁴ The autonomous regions are to establish regional taxation. Another stipulation of the *Law of Autonomy* provides that in the exploitation of fishing, logging, mining and other resources, communal land ownership will prevail and any venture must benefit, in a just proportion, the regions' inhabitants pending an agreement between the Regional and Central Governments.

Not all the people of these regions agree that this Law effectively guarantees the above mentioned rights to all the Aboriginal communities of the regions. Brooklyn Rivera, the leader of the political organization Yatama ("Sons of Mother Earth") and director of the Nicaraguan Institute for the Development of the Autonomous Regions

created under the Violeta Chamorro administration noted in an interview with *Barricada International*:

The current Law of *Autonomy* has little to offer the people on the Caribbean coast. It fails to uphold the right to land, self-government is described simply in terms of participation and consultation, and not all ethnic groups are treated equally.

The Miskitos and mestizos [sic], the two dominant groups, are given priority, so the other people in both regions are left at a **disadvantage**.⁵

It seems that the recognition of ethnic communities without reference to their specific needs does not help minority groups in either autonomous region to assert their goals and identity, namely, the recognition that Indigenous peoples are distinct entities, that they have a collective right to exist as peoples, to be different, and to consider themselves as **distinct**.⁶ The Law of *Autonomy* has yet to solve the main problems such as the isolation of the Miskitu-nani from the rest of the country, lack of economic development, inadequate education system and high levels of unemployment. As C. Hale put it, "Though impressive, even visionary in many respects, autonomy did not—and perhaps could not—fully overcome the contradictions from which it arose."⁷ The Law itself was a contingent political response by the central government and autonomy by itself, or in paper, cannot address the issues rising from the economic, social, political and cultural needs of Indigenous peoples.

The Law establishes that the Communities of the Atlantic Coast do have their rights "guaranteed" by the Constitution of the country. Despite this assurance, and some initial steps toward implementation, there is no clear definition of those rights spelled out in the Law. Nor are provisions for the implementation of theoretical rights included. Furthermore, there is no definition regarding the ethnic differences of the

affected Communities. Therefore, the Law treats the Mestizo majority of the south the same as the Miskito majority of the north without making any reference to the particular needs and differences of either ethnic group. There is a similar case for the Sumus, Ramas and Creoles living in the territory acknowledging the ethnic pluralism existing in the regions, the Law—without reform—cannot address the particular needs of the ethnic communities of the Atlantic Coast.

Although there is no distinction among the Miskitu-nani, Sumo, Rama, Creole or Mestizo communities, there are distinct political organizations which claim to represent these different communities in the RAAN. Yatama, for example, claims to be a grassroots movement of the Miskitu-nani which defends their interests in both the RAAN and the RAAS. Miskitu Jorge Matamoros noted in 1994 that despite Yatama's claims, "... this movement hasn't been able to present a proposal which defines ... the economic model it wishes to implement, or if land will be organized by family, split up into cooperatives or shared **communally**."⁸ The Atlantic Coast suffers, to a greater extent than the rest of the country, an acute economic crisis. Observers agree that many people of the Coast believed that autonomy would result in an improvement on their living conditions. However, the grave economic crisis of Nicaragua destroyed those hopes. In the face of these economic realities, the guarantee of political rights, offers little concrete benefit to the advancement of the Aboriginal cause.

The Sandinista administration never had the chance to ratify the Law because they lost the elections to Violeta Chamorro, whose administration ratified it only in 1994. However, even though the Miskitu-nani gained a codified Law and elected their

regional autonomous government in 1990, the Indigenous struggle to exercise their rights has not been an easy one under the Chamorro administration. The concurrent political conflicts between Yatama, the FSLN and the Liberal Party (in the main composed of Somoza adherents), have further blocked all attempts to implement the Law of *Autonomy*.⁹

The Nunavut Final Agreement

The *Nunavut Final Agreement* (NFA) was signed on May 23 1993 between the Tunngavik Federation of Nunavut (TFN), the Government of the Northwest Territories and the Government of Canada. The *Nunavut Act* was enacted by Parliament with all-party support jointly with the *Nunavut Land Claims Agreement Act* on June 10th of the same year. The NFA also represents a modern version of a treaty signed between the Federal government and an Aboriginal people; it is both a Comprehensive Land Claim settlement protected under the Constitution of Canada under Section 35 and a creation of a new political and geographical division within the country.

As a result of negotiations between the Inuit and the state, the federal government of Canada has created a new province-like territory of approximately 1,900,000 sq km of which the Inuit will be proprietors of 355,842 sq km, divided as follows: 317,972 sq km ownership of surface only, excluding minerals, and 37,870 sq km ownership of surface and sub-surface including mineral rights (see Appendix "C"); all other lands in the Territory are Crown lands.¹⁰ The Inuit will also get compensation.¹¹ According to J. Hamilton, "\$580,000,000 (1992 dollars), which will

amount to something more than \$1.15 billion by the time payments are completed.”¹² The total population of Nunavut is approximately 22,000 of which 17,500 are Inuit. The largest community is the capital city, Iqaluit, with a population of 3,552 inhabitants 2,000 km from Ottawa. Other major centres include Grise Fiord with 130 inhabitants; Coppermine with 1,200, Rankin Inlet with 1,800 and Resolute with 166 inhabitants. Nunavut has 20 kilometres of highway. The languages spoken in Nunavut are Inuktitut, Inuinnaqtun and English.¹³

The NFA clearly establishes and delineates Inuit and Federal Government surface and subsurface rights on the lands and waters in the Nunavut Settlement Area. Inuit have the right to hunt, trap, fish and participate in the management of all these lands. According to the *Nunavut Atlas* the Inuit utilize roughly 3.885 million sq km of land and ocean for hunting, fishing and trapping.¹⁴ Article 3 of the Agreement and the *Nunavut Act* establish that the Nunavut Settlement Area is composed of two general sections: (a) the territories north of the sixtieth parallel which are not included in Quebec or Newfoundland; and (b) the islands in Hudson Bay, James Bay and Ungava Bay which are not included in Manitoba, Ontario or Quebec.¹⁵

The Nunavut Political Accord includes the creation of a distinct territory by April 1, 1999 called Nunavut (Our Land). This territory and the land claim provide the Inuit with a land base from which to determine their political future and seek their economic, social and cultural development. Another measure is the creation of a Nunavut Implementation Commission (NIC) to advise and prepare the transition to the new territory in 1999 when the new legislative assembly should be elected. A post-1999

transition period intended to allow time for training to deliver service—such as education, health care, and social services—by the Nunavut government. The NFA agreed that Canada "determine and fund reasonable incremental costs arising from the creation and operation of the Government of Nunavut," as well as an equitable allocation of its expenditures to the Nunavut region during the transition period from the GNWT (Government of the Northwest Territories), and the assurance of priority in training for local hire rather than infrastructure development. This partial list shows in general the complex tasks before the Inuit to run a Nunavut territory and also displays how seriously the Inuit sought to make a good start at developing some degree of self-determination.¹⁶

Elders play a crucial advisory role in all aspects of Inuit social and political structures. The form of government the Inuit have agreed to will be unique to Nunavut. The Inuit are a majority of the population in the region and will therefore have a preponderant influence in the government which is to be elected by all residents of Nunavut, Inuit and non-Inuit. Inuit leaders perceive this arrangement as self-government.

This new government will administer an area that covers approximately 20% of Canada, with powers equal to those of territorial governments, which are less broad than provincial governments. An elected legislative assembly, a cabinet and a territorial court will be the primary institutions of the government. The Nunavut government will be established in evolutionary stages over a period of sixteen years, from 1993 to 2009. Part of this process will be implemented by the Nunavut Implementation Committee

(NIC), created in 1993 with a mandate until 1999. The NIC has nine members named by the government of Canada, six of whom must be residents of Nunavut. The Commission advises all parties on the funding and design of training plans, the timetable for transferring services, and the process for holding the first election for the government of Nunavut. The initial transition phase will end with the election of the first government of Nunavut.

In 1999 the government of Nunavut will be elected by all residents and it will gradually assume responsibilities now performed by the GNWT, with the transfer of administration for programs in areas such as culture, public housing and health care, to be complete by 2009.

The *Nunavut Agreement* has determined three distinct regions for the new territory, Qikiqtaaluk, Kivalliq, Kitikmeot; these regions have twenty-eight communities. Accordingly, the Agreement has specifically established that the Nunavut Territorial Government (NTG) will be decentralized, with government departments and agencies set up in communities throughout the territory to share the economic benefits and for government to be directly involved in the particular needs of each region.

The new Nunavut Legislative Assembly and government will be consistent with that of the Territories of Canada; thus it will differ somewhat from other provincial governments. This administration will consist of a Commissioner, or executive power who shall be "... appointed by the Governor in Council" (NIC), consistent with current Territorial practice. The Commissioner, in turn, will appoint the Executive Council of Nunavut at the recommendation of the Legislative Assembly of Nunavut. The

Commissioner and the Legislative Assembly of Nunavut will begin their functions at the same time. Each elected member of the Assembly will represent an electoral district in Nunavut. However, for the very first Assembly, according to the Nunavut Act:

the Governor in Council shall, by order, prescribe the number of members of the Assembly and describe and name the electoral districts in Nunavut, but in no event shall the number of members of the first Assembly be less than ten (NIC).

The Assembly will establish the rules for its operations and procedures. The NTG will institute Inuktitut as the official language of Nunavut and, like any other Province or Territory of Canada, it will be governed by the Canadian Charter of Rights and Freedoms (NIC).

The Nunavut Final Agreement is composed of detailed legal language with articles that leave almost nothing to chance in terms of defining every possible aspect of Inuit social, political and economic life under the Land Claim. Article 17 of the NFA delineates the specific purpose of Inuit recognized territory: "... to provide Inuit with rights in land that promote economic self-sufficiency of Inuit through time, in a manner consistent with Inuit social and cultural **aspirations**."¹⁷ This is posited on an Inuit approach to life despite the many changes already experienced since contact, but especially since the whaling age. Tester and Kulchyski pointed out that since the whaling period, in the eighteenth century, "... self-defined and self-reliant Inuit [were] drawn into a vastly different network of social relations" by the outside non-Inuit world.¹⁸ The Inuit will own lands, according to the NFA, for the purpose of securing a balanced economic development for Inuit people. The Inuit Owned Land would include productive trapping and hunting areas, regions appropriate for the tourism

industry, land with mineral resources, and areas in which industry or business can be established as well as sites important because of their association with Inuit cultural heritage.

The NFA urges that present laws for the territory, such as territorial wildlife laws and federal fisheries regulations, should be considerably amended as soon as possible to reflect this Agreement. Other laws, like the *Canadian* Charter of Rights and *Freedoms*, which stresses individual over collective rights remain in place **as** in any other Province or Territory.

Implementation:

The process of implementation of the Agreement and the formal creation of the territory by 1999 began immediately after the signing of NFA. In 1993 the Nunavut Implementation Commission (NIC) was created “... **as** an independent advisory body with the mandate to advise the federal and territorial governments and the Inuit of the Nunavut area on all aspects of the transition **process**.”¹⁹ The NIC is composed of a Chairperson and nine other members appointed by the Government in Council. The Chairperson was designated in agreement with the Minister of the DIAND (Department of Indian and Northern Affairs), the Government Leader of the North West Territories (NWT), and the TFN. Of the nine other members, three were nominated by the federal government, three by the Government of the North West Territories (GNWT) and three by the TFN, the official Inuit representative organization.

In the process of creating the Nunavut Territory, the NIC in a 1994 "Discussion Paper" set out a number of principles to govern the structure and operation of the Nunavut government as well as its administrative organization. Implementation on these principles is the primary responsibility of the NIC, the chief commission among those established for the purpose of creating Nunavut. Within its mandate, the Commission will delineate the jurisdiction of the new province, choose a capital for the new territory, prepare the organization of the Nunavut Legislative Assembly **as well as** create ways and means to stimulate the economy, education, and health care.

The NIC has the mandate to seek active involvement of the Nunavut public, and promote an open exchange of information, ideas, and positions among all of those playing a role in the process. The NIC also proposed regular meetings with all the organizations involved in the process to define and confirm consensus on numerous policy choices about the conception and arrangement of the NTG. The NIC is charged **as well** with providing a flow of information to Canadians living outside of Nunavut and to the international community.

The Implementation Plan had to be approved by the TFN or the Designated Inuit Organization (DIO), the Government of Canada and the existing Territorial Government of the Northwest. This Plan provides direction for implementing the Agreement. The NIC is guided through the DIAND by the Nunavut Implementation Framework (NIF) set out in the **Nunavut Act**. The NIF demanded the presentation of a "... submission of a Memorandum to Cabinet in March 1995 and establishment of the Territory in April

1999.”²⁰ At the time of writing, this Framework was dealing with five broad areas of concern in implementing Nunavut:

- 1) Administrative and Legislative Structures, which “... addresses the issues of what the NTG will look like and how it will deliver its services”.
- 2) Facilities Planning, that plans the “... structural requirements of the Nunavut government and Nunavut communities where new government activities will be located.” This planning consists of: identification and completion of any required environmental assessments; data collection and assessments; planning and generation of opportunities for both government and community facilities; budgeting costs and developing models based on the organizational requirements; and selecting the capital site.
- 3) Training, which deals with the “... development of competencies required to ensure that an effective public administration and public service are in place and in keeping with the nature and scope of the new Nunavut government.”
- 4) Transition, a phase which deals essentially with issues “... surrounding the identification of the role of the Interim Commissioner and the appointment of the Interim Commissioner him/herself.”
- 5) Financial Planning, which implies an identification of “... all costs related to development of the Nunavut government and options for financing so that DIAND may report to Cabinet by April of 1995 ... [and] additional financial planning activity will be required in the period leading up to the actual establishment of the Nunavut Territory in 1999.”²¹

In order to ensure that both parties—Inuit and Federal Government—follow the requirements towards implementation yet another covenant was issued. These provisions show the extent of Euro-Canadian legalistic approach imbedded in this treaty which could hinder Inuit self-determination as an ethnic group in terms of using Indigenous methods to government, economic, social and law practices. The *Contract Relating to the Implementation of the Nunavut Final Agreement* is an important document relating to implementation. This Contract accompanies the *Nunavut Final Agreement* that, as mentioned, deals “... with land and resource ownership, land and resource management, political development and other issues of mutual concern.”” This Contract was designed by the Implementation Plan of the NFA which also includes tasks and issues such as: the approach to the transition period of implementation by the Transition Teams; the implementation of funds; implementation of panels; dispute resolution; and defining the necessary levels of financial and human resources for the public government to carry out the duties identified in the NFA (Art. 2.6). The contract can be amended “... only with the written consent of each party” and the parties would consider an amendment to the Contract based on recommendations “... from the Implementation Panel following any review ... of the NFA” (Arts. 9.1 and 9.2). This Contract comprises six Schedules dealing with a large number of Implementation Worksheets: Implementation Funding; Implementation Guidelines; Budget Estimates; Terms of Reference and General Communication and Education Strategy. The Implementation Worksheets detail the obligations, activities and projects to be set in motion, the Management Responsibility and the Participant/Liaison for those projects

and activities; they also establish the specific Referenced Clauses of the ***Final Agreement*** dealing with the same activities. In short, the Contract is delineating the type of activities to be pursued, who is responsible and the timing of such activities **as** well as the funding for the specific projects and activities necessary to carry on the implementation of the NFA and the creation of the Nunavut provincial-like territory.

Employment:

Keeping in mind the special condition of the territory, the NIC suggested that the Government should be as decentralized **as** possible to assist all the regions of the newly created territory; it is proposed that in order to allocate government offices fairly, "... it might be desirable to seek to locate approximately equal proportions of the [government] offices in each region." The NFA is specific in removing "artificially inflated education requirements" for government jobs and promoting the "... use of a variety of testing procedures to avoid cultural biases." The level of Inuit government employment participation does not, however, include the Canadian Armed Forces or the RCMP. Although these institutions are encouraged to increase "... recruitment, training and retention of Inuit... [they] will not necessarily reflect representative levels of the population in the Nunavut Settlement Area" (Art. 23.8.1).

The NIC realized that the success of the undertaking to arrange the Nunavut government will depend on the extent to which Nunavut residents will participate in a Government bureaucracy. In this regard, the NIC stated,

Job categories and descriptions within the NTG should be based on genuine skill requirements and be purged of unnecessary references to minimum levels of

educational achievement. Appropriate weight should be given to the degree of motivation of job seekers and to their knowledge of Nunavut's culture and command of Inuktitut [one of the official languages of the new Territory].²³

Immediately after ratification the Government, through the Nunavut Implementation Training Commission (NITC), began a search for Inuit candidates with the interest and level of preparedness suitable for government employment, with the information to be maintained and updated on an on-going basis." In addition to assessing the skill level and degree of formal qualification of the Inuit, one of the purposes of this analysis of the labour force has been to "... assist Inuit employment plans and pre-employment training" (Art. 23.3.2). The latter begs the question: what will happen if the "skill level" and "formal qualification" are not met even given the time of pre-employment training?

The Inuit Employment Plan establishes that within three years after ratification, each government structure shall make an Inuit employment plan which shall "... increase and maintain the employment of Inuit to a representative level" (Art. 23.4.1). This plan includes a number of studies on representation and under-representation, numerical targets and timetables, personnel systems, policies, procedures, measures to remove systemic discrimination, intensive Inuit recruitment programs, and so on. One immediate observation is that the Agreement assumes that Inuit will be eager and prepare to become government employees.

The Agreement also deals with preferential treatment of the Inuit in dealing with government contracts through government expenditures but without "imposing financial obligations" (Art. 24.8.1) on the federal or territorial governments. In Article 24 it is

agreed that the government of Canada "... shall provide reasonable support and assistance to Inuit firms ... to enable them to compete for government contracts" (Art. 24.2.1).

Economic Development and Resources:

The settlement of the Nunavut Land Claim and the creation of the Territory of Nunavut will provide an environment for future economic development in the region. The clear delineation of land ownership and the establishment of the territorial government will bring about the following result:

Growth of Native development corporations, such as Nunasi and **Qikiqtaaluk** Corporation, representing concerns as varied as shrimp fishing, trucking and the hotel industry; investment of the annual Land Claim capital transfer payments, totalling \$1.15 billion, over the next 14 years; development of five-year economic development programs for each region; creation of government agencies and the training and development of a professional bureaucracy; further development of mineral deposits which show a potential for copper, gold, silver, lead, zinc and diamonds; and creation of 3 federally funded national parks.²⁵

The Inuit residents in Nunavut (through the TFN or DIO) will be paid yearly 50 percent of the first two million dollars "... of resource royalty received by Government in that year," and five percent of any additional royalties received the same year.²⁶ The Nunavut Trust (NT) was created to receive the capital paid to the Inuit by the Government of Canada and its responsibilities include protection, management and investment of capital. The NT is controlled by trustees "selected by Regional Inuit Organizations" (31.1.3).

The NFA mandates that Inuit Impact and Benefit Agreements (IIBAs) must be established whenever there is a major development project which could "have a

detrimental impact on Inuit;" as well as to give Inuit "social, economic and cultural benefits from national parks."²⁷ IIBAs should be negotiated for any "major project" taking place in the territory of Nunavut. "Major projects" are any enterprise involving more than \$35 million (1986) **dollars** in **capital** costs, or involving more than 200 person years of employment in any five-year **period**.²⁸ The Agreement also introduces requirements for government to communicate and inform the Inuit before any land is open for Natural Resource (petroleum) exploration in the Nunavut Settlement Area.

This Agreement establishes in the same Article **3**, that "... for greater certainty, Inuit shall enjoy additional rights to areas outside the Nunavut Settlement Area as stipulated by other provisions of the Agreement." For example, the NFA gives Inuit preferential wildlife harvesting allowances over non-Inuit residents or outsiders. To ensure a proper supervision of this resource, a nine-member Nunavut Wildlife Management Board will be established "... to ensure that there will always be wildlife in Nunavut for Inuit use." However, according to the terms of the Agreement, Inuit harvesting can be limited by a Federal intervention if there is a need for conservation, or there is a threat to public health or safety; or if there is a need to designate a wildlife harvesting system including provisions in the Article with respect to other Aboriginal peoples. The Agreement also refers to wildlife compensation for the Inuit (Article 6) when developers cause determined damage to property or equipment used in wildlife harvesting, or cause present or future loss of earnings or loss of wildlife stock for personal use.

Other provisions for the public government are to create institutions which will regulate the land and resources such as the "Surface Rights Tribunal," the "Nunavut Impact Review Board," already mentioned, the "Nunavut Planning Commission," and the "Nunavut Water Board." The Agreement stipulates that the tribunal shall be established within six months after the ratification of the Agreement and the others shall be implemented within two years.

In other economic aspects of development the NIC proposed the strengthening of the Nunavut economy by providing efficient and effective government services as well as "... the use of the private sector to deliver services to the public, consistent with public preferences and mindful of the need to maximize recruitment of Nunavut residents."²⁹ This includes the installation of infrastructure which will facilitate not only NTG operations, but also could "... be designed so as to contribute to the growth of the private sector," primarily the tourist industry, by ensuring the construction of "... conference and meetings facilities suitable for use by persons in addition to government employees" (p. 16).

Tasks of the Nunavut Territorial Government:

The expectations are that the NTG will be equipped and ready on April 1, 1999 to initiate and maintain the Legislative Assembly and Executive Council; to administer the financial affairs of Nunavut; to assure independent legal guidance for the NTG; to carry on specific facets of public works and government services; to deal with personnel recruitment, administration and training for prospective government employees; to

support municipal affairs; and to "... provide education programming as part of a comprehensive human resources development plan" (p. 17). At the same time, it is crucial for the NIC to urgently create "... an effective bureaucratic apparatus within the NTG" to productively negotiate and implement "... intergovernmental agreements and private sector sourcing contracts for the provision of government programs and services after April 1, 1999" (p. 18). The NTG will have the special task of providing programs and services to the public in Inuktitut and in Canada's official languages. One important aspect in the implementation of the Nunavut Territory is the recognition, by Canada and the NIC, of the potential political difficulties with other countries of the circumpolar world. It is recommended that the NTG "... should be equipped with the ability to develop relations, consistent with Canada's overall foreign policies" (p. 8).

Comparison of the two Laws

The laws provide political institutions which will be accountable to a largely Indigenous electorate and grant a land base from which to develop economically. The laws do not, however, allow total Indigenous control over the resources of the regions. But even the limited control the Inuit and Miskitu-nani obtain is a step forward in breaking the circle of dependency expressed in the internal colonialism these Indigenous have experienced.

These two agreements technically provide better conditions than the Miskitu-nani and the Inuit have ever enjoyed since settlement, colonization and encroachment by the non-Indigenous people. The laws permit these Indigenous peoples to determine and

decide to a degree on their own political future as well as to pursue an unprecedented step toward economic, social, and cultural development.

The principle of self-determination, as a Western construct presently defined in international agencies, does not in its entirety apply to the RAAN or Nunavut, nor is it accepted by the international forums yet. These agreements accept the implicit right of the Inuit and Miskitu-nani to existence, an existence which includes the right of people to keep their patterns of subsistence and gives them the authority over the natural resources of their own regions.

Both Laws are the final result of long application of pressure and negotiation between governments and Indigenous peoples. Even though the motives and objectives of the different parties involved differ, the purpose of the Inuit and the Miskitu-nani has been to achieve an increasing degree of autonomy towards self-determination within Canada and Nicaragua, thus, clearly confirming their determination to exercise their historical right to self-determination and their long resistance to being deprived of their ethnic identity. By creating autonomous regions in which Inuit and Miskitu-nani are the majority, Canada and Nicaragua are explicitly redistributing the political power by providing a political and administrative decentralization. This in itself is a plus for Indigenous peoples, since, in P. Taylor's analysis, Indigenous peoples

... require the right to preserve their cultural identity. This requires, second, a right to their territory, to the land, resources and water of their homeland. Third, they need the right to have responsibility over the fate of their people and their environment. Finally, this leads on to the right to control their own land and people or what is commonly called in other circumstances, national self-determination.³⁰

With the two laws the Inuit and the Miskitu-nani obtain a clear beginning toward assuming those rights.

The differences between these two countries' histories and formation explains their different approaches in formulating these laws. Nicaragua inherited legal traditions from an archaic Spanish monarchy. After plundering the riches the conquerors discovered in Central and South America, Spain imposed authoritarian regimes supported by the religious zeal of the Holy Office of the Inquisition against Aboriginal people. Spanish Captains read, by (monarchic) law, the "Proclamation" asserting a "divine right", invoking the exclusive right of Spain to own any land and resources they came upon. The fact that Natives did not understand a word of what was read to them was of no concern to the Spanish Crown. The subsequent system did not allow a real separation, as purported by the official story, between the Executive and the Judicial powers of the state.

The colony of Nicaragua was also marked by the manner in which Spanish settlers and the Crown related, economically, to the rest of Europe and the world. Because of this heritage, the legal and constitutional systems of Nicaragua differ drastically from the Canadian system. Spaniards arrived in the new lands, extracted the natural resources and exploited the Aboriginal people. They took whatever they wanted without asking, to create an enormous amount of wealth exchanged mostly as raw material in European markets. Spaniards did not engage in manufacturing goods in the new world and their economic power and ownership were geographically removed from the direct mode of production, namely the **Hacienda**, the plantation, or the mines. In

the whole of Latin America, as certainly in Nicaragua, the formation of the state was prior to the formation or configuration of nationhood. The dominant class then came from that fraction of society connected to the colonial powers, namely Spain and Portugal.³¹

Canada inherited the British system, which generated the development of manufacturing, and a colonial system of indirect rule. Under the British imperial rule the colonized peoples had certain rights to the land under the concept of occupancy. Therefore the British Crown entered, with few exceptions, into treaties with the Aboriginal inhabitants of its colonies. Nevertheless, the final purpose was the same as that of the Spanish monarchy, namely to take away land and resources from Native peoples for the benefit of a thriving mercantile Europe.

The Inuit and the Miskitu-nani have resisted colonial exploitation in many ways: through slow downs, insurrections and sabotage from the time settlers began imposing their own customs and taking control of Indigenous resources. One major similarity between the *Law of Autonomy* and the *Nunavut Agreement* is that both are the latest steps the Miskitu-nani and the Inuit have sought and accepted as a potential solution to change their unfavourable conditions of dependency.

There are definite parallels between the *Law of Autonomy* and the *Nunavut Agreement*. Even though the term for the former is "**Law**" and the latter is termed the "Agreement", both documents are legally binding and have been accepted by the Indigenous groups in question, and have been passed by the elected governments of the respective nation. The RAAN and Nunavut contain the principle of a semi-autonomous

public form of government which some refer to as "self-government", while implicitly maintaining the principle of final sovereignty of government in the hands of the central or federal governments. Both forms constitute a constitutional partnership. The Law specifically addresses the issue of the preservation and development of languages, religions and cultures of the communities inhabiting the RAAN. The Nunavut Agreement, although less directly, also addresses issues on the need to "... encourage self-reliance and the cultural and social well-being of Inuit," which could be interpreted as a case of preservation of language and customs. In addition to recognizing individual ownership of land, the Law addresses the right of the communities on the Atlantic Coast to communal and collective ownership. The Nunavut Agreement provides for Inuit ownership and use of lands and resources. It addresses directly the rights of Inuit to be part of the decision-making processes which will have an immediate effect on "... the use, management and conservation of land, water and resources" of the new territory. The law has a similar provision for the RAAN. Regarding social and cultural provisions, the Inuit have the right to foster and "... participate in the development of social and cultural policies, and in the design of social and cultural programs and services, including their method of delivery."³² This covers the establishment of a Nunavut Social Development Council which will be incorporated as a non-profit Inuit organization to direct social and cultural researches. The Law gives Miskitu-nani a similar mandate, although they do not have an official development council.

The Agreement establishes three national parks and provides for the creation of new institutions which will be created within two years of ratification of the Agreement.

These institutions will be funded by the Federal Government, and will be for the benefit of all residents of Nunavut. The Miskitu-nani will manage the use of rain forests within the RAAN.

In the economic realm, the *Law of Autonomy* proposes that the communities of the Atlantic Coast are free to "... develop their social and productive organizations according to their own values." The Inuit, under the Agreement, can develop their economic activities in a similar manner.

The *Nunavut Agreement* provides Inuit the right to harvest wildlife and take part in decision-making related to wildlife harvesting. At the same time, the Agreement addresses the need for financial compensation in case of wildlife loss and the requirement of making accessible "... means of participating in economic opportunities" to the Inuit. The *Law of Autonomy* protects the maritime harvesting which the Miskitu-nani have practiced for centuries and guarantees them the use of other natural resources in the region.

The *Law of Autonomy* does not specify any procedure for its own implementation. However, in order to move toward implementation of the law, the Regional Autonomous Council elected in 1990 created eight Commissions for this purpose: the Commissions of Natural Resources and Environment, Public Relations (Relaciones Exteriores),³³ Justice and Human Rights, Communal Development and Territorial Boundaries, Women and Children, Public Construction, Finances and Budgeting and Social Development. The failure of the Chamorro administration to recognize the authority of the Regional Autonomous Council and the absence of political

negotiations on the national level are serious stumbling blocks to the implementation of the law in the Indigenous communities.

Even though there is no explicit ethnic recognition of Miskitu-nani and the Inuit, in these two regions, the RAAN and Nunavut, they have the capacity to exercise some form of autonomy which can be interpreted as the Indigenous right to self-determination. This form of autonomy does not affect or threaten the territorial integrity of the state and offers a realistic and effective opportunity for the Indigenous peoples in question to establish their own institutions, cosmologies, values, traditions, practices and languages. This form of autonomy allows the Indigenous majority to coexist with other groups of the dominant society. The diversity created in Nunavut and the RAAN produces pluralism for the entire population, self-government and self-determination for the Indigenous majority yielding an endogenous development **as** well **as** a sense of justice being done for the Indigenous peoples who have been subjected to interferences and impositions for a long time.

Differences between the Law and the Agreement:

The Autonomy Law recognizes property rights of the Miskitu-nani communal lands based on current occupancy and the benefits from mining, fishing, forest and other resources will be shared proportionally among its inhabitants pending previous arrangements between the Regional and Central governments. On the onther hand, a Comprehensive Land Claim in Canada refers to how much land Indigenous peoples give up or resign to the **national/federal** government. From the one fifth of Canada which

comprises the new territory of Nunavut less than 19% is Inuit owned lands; the Iuit relinquished their Aboriginal rights for the rest. Thus, the Autonomy Law is a recognition of the Sandinista government of Miskitu-nani historical right to land and the Nunavut Agreement, while acknowledging and providing some Inuit owned lands, is the Government of Canada's avenue to terminate Aboriginal rights.

Both Laws establish the form and role of the governments they set up, although Nunavut will be led by an Ottawa-appointed commissioner and an elected legislative assembly, while the RAAN council and representatives to Managua are locally elected.³⁴ As far as the issue of self-determination goes as long as they maintain their majority status, the Miskitu-nani are assured of the dominant voice in the government. The Inuit perceive no problem with an appointed Commissioner, they feel that political leadership in the Legislative Assembly secures them a significant voice in their government. One of the most important elements missing in the *Law of Autonomy* is the provision for the implementation process noted in the *Nunavut Agreement*.

The *Statute of Autonomy of the Regions in the Atlantic Coast of Nicaragua, Law No. 28* is a brief outline of principles and takes up six pages in the official newspaper of the nation, *La Gaceta (The Gazette)*. It is, foremost, a political statement of general principles of law applying to every community within the borders of the declared autonomous regions of the RAAN and the RAAS. It does not, as in the case of the Inuit, represent a signed agreement between the government and the peoples living in the Atlantic Coast. The Law does not lay out a new political or economic structure in detail, nor does it entertain a vision of potential political, social and economic

consequences for the communities. In comparison, the *Statute of Canada 1993, Chapter 28*, is a 72-page act to establish the territory of Nunavut, provide rules for its government and to amend certain other Acts in accord with the Agreement between the Crown and the Inuit. The *Nunavut Land Claim Agreement* is a 282-page document; jointly the two documents very explicitly set out an entirely new government structure and detail their provisions for its implementation. The radically different historical experience accounts for the differences in the approach taken in the Nicaraguan Law of *Autonomy* and in the Canadian *Nunavut Land Claim Agreement*.

Any progress on the Atlantic Coast will depend completely on political negotiations between the communities of the coast, specifically the Miskitu-nani, and the central government. As Jorge Matamoros pointed out, "... at the grassroots level, the Miskitu-nani have the greatest grasp of the ins and outs of autonomy."³⁵ There is no official stipulation that would compel the central government of Nicaragua, whatever its political affiliation, to negotiate with the Miskitu-nani. Such negotiations seem unlikely especially in times of **economic** hardships and restructuring. The struggle for power has caused divisions among political **leaders** of the autonomous regions as well. Jorge Matamoros has suggested that "... perhaps an autonomy plan can now be pursued from a multiethnic standpoint and thus allow the different leaders to share power while creating just one regional project" (p. 21). The divisions and confusions are even greater at the rank-and-file level of the autonomous region where the "... level of illiteracy ... is between 80% and 85%" (p. 21). Even though people of the Atlantic Coast struggled for autonomy, and the communities understand the necessity of an

autonomy project, "... they don't have a grasp of the techniques needed to make this plan viable" (p. 21).

In contrast, the *Nunavut Agreement* is an extremely detailed legal document. In addition, the Inuit have the *Nunavut Act*, the draft reports of the Implementation Framework, the reports of the Implementation Commission and a Contract of nearly 300-page legal covenant with the federal government that deals with implementation of the final agreement. All of which provide for concrete step by step implementation of a semi-autonomous regional government.

In a Discussion Paper of the NIC, carried in Iqaluit on June 23, 1994, the Commissioners admitted that problems still exist in concretizing the Law:

... many principles, however sound within their own terms, tend to compete or conflict when combined with others in a list. [Commissioners also acknowledged] that *changes in public preferences, political circumstances, and logistical developments are likely to require continuing adjustments* to be made in the choice, expression, and priority of principles. These factors argue for continuing flexibility and adaptability on the part of all those involved in helping to build Nunavut [emphasis added].³⁶

The tone and wording of NIC is tentative. As a consequence, any discussion or proposition turns into a political and legalistic exercise which cannot always be seen as guaranteeing the true interests of the Inuit as an Indigenous people.

The *Nunavut Agreement* has relinquished Inuit Aboriginal rights in exchange for a set amount of land in which the Inuit are owners and can practice a degree of self-government. Through the Agreement, the Inuit "... cede and surrender to Her Majesty in Right of Canada all of their aboriginal claims, rights, title and interests, if any, in and to lands and waters anywhere within Canada."³⁷ The concept of ceding and

surrendering is a tacit admission of a former ownership by the Inuit. Furthermore, this recognizes that the Inuit people have had rights and title to the lands they have occupied before contact with non-Aboriginal peoples. The Agreement has the political status of a modern treaty protected in the constitution since 1982. Such recognition of an Aboriginal right to ownership of the land does not exist in the Law of Autonomy.

The Main Question of Self-Determination:

The Inuit and the Miskitu-nani have had years of struggle to achieve self-government. Self-government for the Inuit and the Miskitu-nani could begin to solve their problems of dependency. Like any others, these Indigenous peoples need to protect and control their own destiny as a matter of dignity; they need to control economic development to end their dependency and pauperization; they must protect Indigenous cultures, and implement viable programs to overcome the present health and employment crisis. These are the main goals for these Indigenous peoples. If the leadership of Inuit and Miskitu government, however, function solely a *la* west, namely, maintaining their peoples within the colonized structures and political, social and economic patterns, there is no basis to suggest that Inuit welfare colonialism and Miskitu internal colonialism will disappear. Autonomy should mean a tool to break dependency links with the dominant society and so as to liberate Indigenous communities from the ignominy of societal debauchery and pauperization they currently live in.

What are some of the elements for self-determination as outlined by international agencies which can be found in these laws? The UN Covenant grants all peoples the

right of self-determination, which includes the right to freely determine their political status, to pursue their economic, social and cultural development and to freely dispose of the natural wealth and resources within their assigned territory which provides their people's means of subsistence. The autonomy offered by Canada and Nicaragua to the Inuit and the Miskitu-nani allows them to determine to a degree their political status, direct their economic development, and to have a greater control over their social and cultural development.

Both Indigenous nations will control the public government of their respective regions. The laws can be interpreted as providing some degree of recognition for self-determination for both the Inuit and the Miskitu-nani. Self-determination is held to be the right of peoples who hold (or who held until forcefully dispossessed) a common language, spirituality, territory, and economic life. Self-determination for both the Inuit and the Miskitu-nani would include the development of some form of self-government or self-administration and the development of their economic potential. The legislation in question deals with the main issues of land and survival and can be tested against a number of principles. These issues include the concept of self-determination, the right of Indigenous peoples to exist and, the right of peoples to freely dispose of their natural resources. The Inuit will own a definite amount of land, with both surface and subsurface rights. The Miskitu-nani will own communal lands, unlike Nunavut, these lands are not clearly specified. It is true that both Indigenous peoples could, potentially, lose their political strength in case of massive migration. However, as John Crump stated in the case of Nunavut:

Yes it is possible, however it is very unlikely given the enormous increase in Inuit population expected over the next few years (the majority is already under 20 yrs. old). An influx of the size you are thinking of would only happen in the case of massive industrial development, which is unlikely for a number of reasons, not the least of which the Inuit likely would not permit it to go ahead if losing control over the government was the outcome. However, it is possible that outsiders coming in to work at development projects could change the balance in one or more ridings. In that case, some kind of residency requirement might be considered, although it would be open to challenge under the Charter of Rights, as has happened elsewhere in the North. It would be a serious problem no matter what happened.³⁸

The rights delineated in the *Law of Autonomy* and the *Nunavut Agreement* are not in conflict with the laws and government structures of Canada and Nicaragua. Article 11, Chapter III of the *Law of Autonomy* outlines the rights of the Atlantic Coast Communities. The aims of the *Law of Autonomy* are the following:

- (a) to preserve and develop languages, religions and cultures;
- (b) to freely develop social and productive organizations in accordance with Aboriginal values;
- (c) to use, enjoy and benefit from communal forests, waters and land, according to the national plans for development;
- (d) to hold communal, collective, and individual forms of property with the right to transfer property.³⁹

These rights were also included in the Constitution of Nicaragua in 1987, the same year the Law was promulgated.⁴⁰

By comparison, the *Nunavut Land Claims Agreement* seeks:

- (a) to provide for certainty and clarity of rights to ownership and use of lands and resources, and of rights for Inuit to participate in decision-making concerning the use, management and conservation of land, water and resources, including the offshore;
- (b) to provide Inuit with wildlife harvesting rights and rights to participate in decision-making concerning wildlife harvesting;
- (c) to provide Inuit with financial compensation and means of participating in economic opportunities;
- (d) to encourage self-reliance and the cultural and social well-being of Inuit.⁴¹

The two laws not only recognize the problems facing the Arctic and the Atlantic Coast communities, but make a point of addressing some basic rights for them. Both laws provide for communal ownership, although the *Nunavut Agreement* provides the Inuit clear title to the land. Both Canadian and Nicaraguan documents provide for wildlife harvesting rights and the right to exploit the natural resources.

The autonomy for the Atlantic Coast of Nicaragua and the agreement for Nunavut of Canada are constitutionally protected. Here we must notice that in the case of the Inuit the Agreement is the most important legal document and no change to the constitution can occur unilaterally. This is not the case for the Miskitu-nani, however. The rights of all the communities of the Atlantic Coast have been entrenched in the constitution of Nicaragua. Any new administration could potentially change the Nicaraguan constitution without consulting with the communities of the Coast.

The Canadian government did not accept willingly the granting of land and autonomy to the Inuit. The crisis in Oka, in 1990 showed an uncompromising and confrontational federal government unwilling to settle any Aboriginal claims. Therefore, one speculation why the Brian Mulroney administration rushed the Nunavut agreement is that the government needed a political triumph in its relationship with Indigenous peoples. The long negotiations, **along** with Inuit pressure, brought about the Agreement as a matter of social justice. Most Aboriginal land claim settlements have taken more than 20 years. An example of this is the case of the Nisg'a who were able to sign an Agreement-in-Principle not until on February 15, 1996. The Inuit want

to end the state of dependency and govern themselves. They simply need governmental recognition of what is owed to Aboriginal peoples. J. Crump noted,

... it is generally true that the Crown assumed control over large tracts of this country with little or no negotiation with its original owners. In the south, there were treaty negotiations but they have been honoured more in the breach than anything else. Many other parts of the country -- like Nunavut -- had no treaty process of any kind. The Crown simply assumed control of the land and the people. So, one might argue, as the Inuit and others have, that the compensation they are receiving is merely a small portion of the value of the land which they lost. The Canadian government has not gone into this process willingly ... This is an issue of social justice.⁴²

The *Autonomy* Law is also a question of social justice for the Miskitu-nani in Nicaragua.

One more element to point out is that it is also a question of money. For the Nicaraguan and Canadian governments it will be cheaper to maintain self-sustainable territories. Crump noted: "It will cost less in the long run for the [federal] government to help finance a self-sufficient Nunavut now."⁴³ These two laws do provide the Indigenous peoples in question a land base, an absolute requisite to even begin dealing with the idea of self-determination. Because of these laws, the Miskitu-nani and the Inuit will be able to exercise a degree of freedom in determining their political status within their respective territories. These indigenous peoples will also be able to pursue, to a certain extent, their economic, social and cultural development through their right to exercise total and shared control over the natural wealth and resources of Nunavut and the RAAN, which will provide their means of subsistence.

The question of shared control over the natural wealth and resources is relevant for those who argue we are witnessing a tremendous attack on the Indigenous way of life and on their environment. Alan Thein Durning proposed:

As indigenous cultures vanish, so do vast numbers of animal and plant species unknown to Western science--as well as intimate knowledge of their use. Native peoples' homelands encompass many of the planet's last tracts of wilderness--ecosystems that shelter millions of endangered species, buffer the global climate, and regulate hydrological cycles.""

It is difficult to imagine that the Inuit and the Miskitu-nani will be able to sustain the ecosystems of their regions based solely on their Indigenous way of life. The Indigenous peoples in question need to survive and develop social, political and economic bases viable for their people without dismissing unavoidable influences of the economic and political tendencies toward globalization. Thus, territorial autonomy and a public form of government might raise more questions than they answer. There is no doubt that the concept of self-determination must be re-interpreted if it is to be applied to the Indigenous people's political reality. Or it must be re-defined within the UN. Nations-states must realize that Aboriginal peoples are not a threat to their integrity and that recognition of Indigenous peoples as distinct peoples will strengthen the nation as a whole, because only cooperation through the democratic process can solve the pressing problems of contemporary society.

The RAAN and Nunavut come to exist in times of great difficulties, turmoil, uncertainties and unknowns. International bodies such as the United Nations are discussing and searching for new avenues in order to effectively carry out their role. In this light there are concerns being discussed in relation to the very definition and understanding of the concept of self-determination as applied to Indigenous peoples. Concepts such as the *market*, free trade, undercover protectionism by the creation of economic blocks seem to be the rule and the panacea for the problems of the world.

The idea of the nation-state as it was known for most of the twentieth century is under attack by the development of ever-growing transnational corporations, or monopolies. All of this occurs under a political-economic ideology, neo-liberalism, in which privatization and reduction of the state's intervention in economic affairs affects development and the way in which the Miskitu-nani and the Inuit could organize and form their economy within the autonomous territories in question. It is too early to speculate what shape all of this could take. The world seems to be passing through a transitional historical moment in which there are no clear solutions, propositions, ideas or remedies. Thus, both Indigenous and non-Indigenous peoples have to learn, for the moment, to adjust according to the particular situations they have to face.

NOTES

1. *La Gaceta, Diario Oficial* (Managua: 30 de octubre de 1987), 2833. Translation of the Law by R. Pino-Robles.
2. Ibid., 2834.
3. *Boletín Informativo: Fundación OPHDESCA*. Oficina de Promoción y Desarrollo de la Costa Atlántica (febrero 1991): 7.
4. *La Gaceta*, 2835.
5. "Yatama: Defending Historical Rights," *Barricada Internacional*, February 1994, 22.
6. See Augusto Willemsen Diaz, "Ambito y ejercicio eficaz de la Autonomia interna y el Autogobierno para los pueblos Indígenas." Paper presented to the "Reunión de Expertos encargada de examinar la experiencia de los países en la esfera de aplicación de planes de autonomia interna en favor de las poblaciones indígenas," Nuuk, Greenland, September 24-28, 1991 referring to Artículo 1, párrafo 2 de la "Declaración sobre la raza y los prejuicios raciales" aprobada por la Conferencia General de la UNESCO en su vigésima, Paris 27 de noviembre de 1978.

7. Hale, Resistance and Contradiction, 115.
8. J. Matamoros, "The Shadow of the Past," *Barricada Internacional*, no. 370, February 1994, 21.
9. Coleen Littlejohn, Nicaragua News *Service* 3, no. 26 (June 11-17, 1995): 2.
10. Nunavut Tunngavik Incorporated. Nunavut: Our Land, Our People (Ottawa: NTI, 1993), 6.
11. "The financial compensation negotiated under the land claims agreement goes into the Nunavut Trust, which was set up by Nunavut Tunngavik Inc. Section 29 of the agreement outlines the schedule of payments." John Crump, Senior Researcher, Nunavut Planning Commission Transition Team, letter to author, February 19, 1996.
12. J. D. Hamilton, Arctic Revolution, 3.
13. Nunavut Tunngavik, Nunavut: Our Land, 7.
14. As documented in the three volume report Inuit Land Use and Occupancy Project, published in 1976 by the federal INAND. See: Nunavut Atlas. Published by the Canadian Circumpolar Institute and the Tunngavik Federation of Nunavut. Rick Riewe, ed., 1992.
15. Canada, Statutes of Canada *1993*, Chapter 28. "An Act to Establish a Territory to be Known as Nunavut and Provide for its Government and to Amend certain Acts in Consequence Thereof." Part I. 3, assented to 10th June, 1993.
16. Nunavut Implementation Commission (NIC), "Discussion Paper Concerning the Development of Principles to Govern the Design and Operation of the Nunavut Government," June 23, 1994.
17. Tunngavik and Minister of Indian Affairs and Northern Development, *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada* (Ottawa: Minister of Indian Affairs and Northern Development, 1993), Art. 17.1.1.
18. Tester and Kulchyski, *Tammarniit*, 3.
19. Minister of Indian Affairs and Northern Development, "Important Dates and Events in the Process to Create Nunavut," 3.
20. Department of Indian Affairs and Northern Development, "Development of the Nunavut Implementation Framework." Final Draft Report, Ottawa: DIAND, April 1994, 4.

21. Ibid., 7,8,9,10.
22. A Contract Relating to the Implementation of the Nunavut Final Agreement (Ottawa: Indian and Northern Affairs, Canada, 1993), introduction.
23. "Discussion Paper," 13.
24. Agreement, Art. 23.3.1.
25. Terri Fenge, "National Parks in the Canadian Arctic: the Case of the Nunavut Land Claim Agreement," Indigenous Land Rights in Commonwealth Countries: Dispossession, Negotiation and Community Action. Garth Cant, John Overton and Eric Pawson, eds. (Christchurch: Department of Geography, University of Canterbury and the Ngai Tahu Maori Trust Board for the Commonwealth Geographical Bureau, 1993), 198.
26. Agreement, Art. 25.1.1.
27. Fenge, "National Parks in the Canadian Arctic," 199.
28. Agreement, Art. 26.1.1.
29. "Discussion Paper," 15.
30. Peter J. Taylor, Political *Geography*: World-Economy, Nation-State and Locality. 3rd ed. (New York: Longman Scientific and Technical, 1993), 217.
31. Centro Alexander Von Humboldt y Centro de Apoyos a Programas y Proyectos (CAPRI). El *desafío* de la *autonomía* (Managua: Editorial El Amanecer, 1992), 5.
32. Agreement, Art. 32.2.1.
33. A literal translation of "Relaciones Exteriores" is "Foreign Affairs." By using this term, the Autonomous Council may be referring to relations outside of the RAAN, which does not necessarily mean "foreign" affairs outside Nicaragua. The issue is ambiguous.
34. "The Commissioner is equivalent to a Lieutenant Governor and, in the case of the Yukon and NWT, is appointed by the Minister of Indian Affairs and Northern Development. Nunavut will be a territory much like the other two and will not have all the powers of a province (at least at the beginning). This person will be appointed by the Governor in Council (the federal Cabinet)." Crump, letter to author, Feb. 19, 1996.
35. Jorge Matamoros, "The Shadow of the Past," *Barricada* International, no. 370, February 1994, 21.
36. "Discussion Paper," 2.

37. Agreement, Art. 2.7.1.
38. Crump, letter to author.
39. La Gaceta, 2835.
40. With reference to these issues, read the excerpts of the Nicaraguan Constitution in Appendix "E".
41. Agreement, 1.
42. Crump, letter to author.
43. Ibid.
44. Alan Thein Durning, "Guardians of the Land: Indigenous Peoples and the Health of the Earth," *Worldwatch* Institute "Worldwatch Home Page, Internet" (Washington: Worldwatch Institute, 1992), 1.

CHAPTER 7

CONCLUSION

Even a casual assessment of the current global situation in the Americas indicates that non-Indigenous people who settled on lands originally inhabited by the Aboriginal people are there to stay and the non-Indigenous encroachment on social, economic, political and cultural areas of Indigenous life will continue. Indigenous peoples world wide are claiming and demanding recognition of their rights as peoples as well as recognition of a place for themselves within the *mosaic* of the world, and particularly in the Americas. Indigenous peoples have experienced consecutively states of colonialism and internal (or welfare) colonialism in which they have been defrauded and treated with disdain and negligence by the colonial powers and the national states. On the one hand Indigenous populations became a source of cheap labour (internal colonialism), on the other, their labour became redundant and the external forces took over the use of their land and resources (welfare colonialism). The primary source of conflict was, and still is, the land, its resources and how to use them. The serious problems of the Inuit and of the Miskitu-nani are not the exception in the difficulties faced by Indigenous peoples.

These Indigenous nations have experienced a reality in which economic development, political decisions, control of resources and progress of technology are controlled by alien powers. In their fight to eliminate their state of dependency the Inuit have sought a land claim agreement with the government of Canada and the Miskitunani have sought to legalize their right to autonomy. This study examined the *Autonomy Law* and the *Nunavut Final Agreement* to see to what degree if any the legislations granted an autonomous government to the Inuit and the Miskitunani and to assess to what extent these two new regional governments meet the criteria for self-determination as outlined by international agencies.

The governments of Canada and Nicaragua have passed the legislation which acknowledges some of the major needs and demands of the Inuit and Miskitunani. The aforementioned legislation resulted after lengthy pressure and political action by these Indigenous peoples in their efforts to obtain recognition of their political, social and economic rights as first inhabitants, or nations, in the territories they have lived in for thousands of years.

The Miskitunani and the Inuit have sought in different ways to ensure a land base for themselves which would enable them to develop economic, cultural, political and social programs consistent with their Indigenous traditions. The newly-gained autonomous status on the Atlantic Coast of Nicaragua and in the Territory of Nunavut in Canada provide the two Aboriginal people with a land base which is indispensable for their potential economic, social and cultural development.

The Nunavut Agreement will not be officially implemented until 1999 and the Law of Autonomy, ratified in 1993, has been only partially enforced. In the experience of Indigenous peoples, legal texts addressing specific needs exist but have not necessarily been translated into political reality. Much of Western practice in jurisprudence is subject to varying interpretations that are usually politically and ideologically driven. The trend of the nineties in praising the Aboriginal pluralistic way of life as more conducive to the preservation of our already severely damaged environment, the numerous apologies by Christian churches because of past abuses, the significant alarm of people because of rain forest devastation, and even the fact that Rigoberta Menchú, a Mayan political activist from Guatemala, received the Nobel Peace Prize are examples of an ideological change in the perspectives of the dominant society which is more favourable for Indigenous social, political and economic growth and development. However, the policies of economic and political power structures such as the International Monetary Fund, the World Bank and NAFTA, along with the concerted global assault on the deficit by governments will undoubtedly restrict progress toward Indigenous autonomy.

Based on the text of the *Nunavut Final Agreement* the Inuit are constitutionally accorded a portion of territory which they can own collectively and by the authority of the Law *of Autonomy* the Miskitu-nani are also granted communal lands. Both peoples, since they form the majority of the population in their region, are to run the government and under favourable circumstances, are to maintain, defend and develop their Indigenous way of life. Given the state of dependency the Inuit and the Miskitu have

experienced, the control of the regional government is significant because it is a step toward genuine self-reliance. Having a land base, both the Inuit and the Miskitu-nani begin breaking the oppressive links they have experienced with the governments of Canada and Nicaragua. This provides some economic and political control for these Indigenous peoples.

Indirectly and in practice these laws deal with the issue of what are a "people" because the Miskitu-nani and the Inuit have obtained the right to exercise authority over territories with the tacit recognition of these peoples' unique culture by the central and federal governments. The political administration, controlled by the Miskitu-nani and the Inuit in their respective regions, allow these peoples to exercise some political form of self-government and local autonomy. Even though these Indigenous peoples control the regional government, they must provide a democratic (therefore fully representative) form of government for the regions. By providing regional self-administration, these agreements present limitations to the type of autochthonous government practices the Inuit and the Miskitu-nani can exercise. A public form of government forces them to function externally and internally in a Western-style political, economic and administrative manner. Even when the Inuit and the Miskitu-nani achieve control over the land and resources and manage the regional government, they still will be dealing with alien forms of government, economics, development, and legal system. Nevertheless, the languages and culture of the Inuit and the Miskitu-nani are recognized and guaranteed within the respective regions. It must be realized that the achievement of self-determination might be divisive. There is opposition within both Indigenous

nations to these agreements. However, how internal conflicts are dealt with will become apparent only after a period of implementation.

The Miskitu-nani own resources such as the rain forest of their communal lands and the shores in the RAAN and can initiate economic development. The Inuit will administrate resources through joint Aboriginal-government management boards. Since the Inuit and the Miskitu-nani are maritime peoples, the control of water use is crucial in maintaining their traditional way of life. Theoretically, the Inuit and the Miskitu-nani can develop their economies and cultures as well as manage their environment according to their Indigenous practices. However, it remains to be seen if the long-term effects of non-Indigenous economic interests along with agreements, such as the North American Free Trade Agreement (NAFTA) and the General Agreement on Trade and Tariffs (GATT), or political-financial organizations like the International Monetary Fund (IMF) and the World Bank which regulate the global economy, will permit the theoretical rights of the Aboriginal peoples to be put into practice.

The two laws studied provide only a limited degree of control for the Inuit and the Miskitu-nani; nevertheless, this control in the long term is not certain. A massive influx of migrants into the RAAN or Nunavut could take the political administration away from the Inuit and the Miskitu-nani should they lose a majority status. For the Inuit and the Miskitu-nani, the public form of government will be an asset only if they remain the majority of the population. These limitations will affect the levels of autonomy which the Indigenous peoples can exercise. The once independent regions of the Arctic and the Atlantic Coast became the periphery of the centre for centuries;

therefore, the gains in the two laws are positive, because they move away from political control by the administration of distant capitals. Self-administration for the Inuit and the Miskitu-nani is the beginning to resolve their dependency. With self-administration these Indigenous peoples will be able to protect and exercise some control over their own destiny, and potential economic development. Indigenous self-administration will protect Indigenous cultures, and will be able to activate workable programs to surmount current health and employment crises. Although the Inuit and Miskitu-nani do not obtain complete self-determination, the self-administration they achieve within the laws is a step forward in breaking the circle of dependency depicted in the aforementioned internal colonialism.

Considering Ian Brownlie's three precepts outlined Chapter in 2 as the ideological roots of the Western perception of self-determination: that of the equality of human beings, the possibility of choice, no matter how limited, and the principle of social understanding among human beings, one might propose that the documents *Nunavut Land Claims Agreement* and the *Autonomy Statute for the Regions of the Atlantic Coast of Nicaragua* do provide a starting point for the Inuit and the Miskitu-nani to work towards self-determination. With the creation of the territories in both countries there is a tacit recognition of Inuit and Miskitu-nani equality. The precepts of how the regional governments are to be managed show the recognition of Inuit and Miskitu-nani input. The fact that both governments before legislating on the Agreement and on the Law went into lengthy negotiations with the Indigenous populations show the governments' recognition of the need to arrive at a social contract.

To-date nation-states have not agreed to a definition of self-determination which includes Indigenous peoples' experience. It is assumed, in many cases, that such inclusion might constitute a threat to the State's territorial integrity. In a necessarily broader definition, self-determination is politically evident in a number of possibilities, as noted by Umozurike (see Chapter 1). Of those, Inuit and Miskitu-nani self-government **as** an expression of local autonomy and the economic participation with federal and central governments can be considered as aspects of self-determination. This principle applies internally to the regions in question, **as** dependent territories, ensuring a democratic government.

A reading of both agreements supports the idea that both laws tacitly acknowledge that the Indigenous peoples within their borders do hold enough of the internationally-recognized criteria for self-determination: the regions in question do have a common historical tradition; there is, for the most part, a distinct racial or ethnic identity, as well as cultural homogeneity. For the majority of the populations in Nunavut and the RAAN, there is also a linguistic unity and a religious or ideological affinity and the total populations of these regions share a common economic life. Accordingly, both agreements grant the means which permit the Inuit and the **Miskitu-**nani to express and strengthen their culture and unique identity. Both agreements respect the right to a degree of local autonomy within the borders of Nunavut and the RAAN.

Since the principle of Aboriginal right to land was never recognized in Nicaragua, the Miskitu-nani were not required to "surrender" or "cede" any Aboriginal

title as did the Inuit. The Spanish Crown, and later the Nicaraguan government, did not acknowledge any Aboriginal title of the Miskitu-nani, as the British did in the Royal Proclamation of 1763. The legal recognition of Miskitu-nani's rights and aspirations by Nicaragua is a political victory for the Miskitu-nani. It is a social, economic and cultural step forward for an Aboriginal nation in the hemisphere south of the Rio Bravo, in view of the historical Spanish inheritance of tyrannical rule over the Aboriginal population. On the other hand, the Nunavut Final Agreement recognizes the Inuit Aboriginal right to the land and demands they cede or surrender it. The Inuit have specifically relinquished their Aboriginal rights to the land and resources, as well as any government social benefits not included in the Agreement. However, both laws obtain a land base in which the Inuit and the Miskitu-nani can develop more freely in the economic, spiritual and political areas.

These Indigenous peoples achieved, in the two laws, a degree of self-administration which grants local autonomy; this in part is consistent with the concept of self-determination, although the regional governments do not specifically deal with the Inuit and Miskitu-nani as Aboriginal peoples. Neither Indigenous people are officially recognized in their ethnicity as distinct peoples within Nunavut and RAAN; thus the public form of government obtained limits Indigenous practices and functions in a Eurocentric manner, as already stated, which will undermine Inuit and Miskitu-nani capacity for full self-determination as a distinct people. By an effective majority these Indigenous peoples control the public government at the price of accepting alien legal practices and rules.

Until the recent ratification of these laws both the Inuit and the Miskitu-nani have experienced marginal political status and unfavourable socio-economic conditions having been denied their traditional lands, territories and resources. They, like other Aboriginal nations, have suffered ridicule for their political, social and economic institutions, and had been denied official status for their language, spiritual traditions and histories. Keeping past practices in mind the *Law of Autonomy* in Nicaragua and the *Nunavut Final Agreement* in Canada constitute the first step in reinforcing the affirmation by the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights that all peoples have the right to self-determination. By virtue of their new political status, the Inuit and the Miskitu-nani can "determine and pursue their economic, social and cultural development."¹ (For a detailed discussion on the rights of Indigenous minorities, see the "Draft Declaration on the Rights of Indigenous Peoples..." in Appendix "D").

It has yet to be determined to what extent the Inuit and the Miskitu-nani may dispose of their natural wealth and resources independently. Are Nicaragua or Canada able to honour the 1980 International Covenant on Economic, Social and Cultural Rights precept that "... in no case may a people be deprived of its own means of subsistence"? Future negotiations and political developments will show to what extent these respective countries will promote and implement the right of self-determination in conformity with the provisions of the 1980 International Covenant.

Both laws exist because of Indigenous pressure and determination. In Nicaragua the law was signed because the Sandinista regime could not maintain a war front which was bleeding the country financially and was costly in human lives. The central government negotiated peace with the Miskitu-nani and gained international recognition and prestige for granting autonomy to the regions of the Atlantic Coast. The Inuit have been struggling for control of their own land for the the most part of the present century, especially since 1976, when they proposed a division of the North West Territories. The Canadian government negotiated a comprehensive land claim and granted ownership over lands to the Inuit people allowing them to run the territorial government. Accountability for the development and well being of both, Inuit and Miskitu-nani is in the hands of these Indigenous groups and is no longer in the hands of the central or federal governments.

In terms of implementation, the *Nunavut Final Agreement* is protected in the Canadian constitution even though it has not yet been implemented. In spite of being technically in effect since 1987 the *Autonomy Law* has been only partially implemented. The Violeta de Chamorro administration hesitated to recognize the Law because it derived from a "Marxist" regime. Despite the fact that the central government in Managua created the Nicaraguan Institute for the Development of the Autonomous Regions, directed by Brooklyn Rivera, the Coast remained isolated from the policies and government largesse of Managua because of the great economic crisis in the country. Since the elections in early 1994 on the Coast, the RAAN has been governed by an alliance between the Sandinista Front, whose members controlled of the Regional

Council, and Yatama, with control of the governor's office. In 1995, however, a political fight was brewing between the Sandinista Front, Yatama and the Constitutional Liberal Party and all important legislation was stalled in the Legislative Assembly. The situation should with regard to the status of the Miskitu-nani should become clearer after the national elections to be held in October 1996. To make the situation more complex, in August 1995 there were talks between Aboriginal peoples of the Atlantic Coast, politicians from the Atlantic Coast and Managua regarding the creation of an improved Autonomy Law for the Atlantic Coast Regions of Nicaragua. Even if the process to begin writing a new law is agreed upon, the drafting of this law will not take place before mid-1997 at the earliest. In the meantime people on the Coast and especially the Miskitu-nani will honour the present law, despite its limitations, to ensure an Aboriginal voice in the future of their people.

The future impact of these laws depends on a number of conditions: for example, the extent to which the global economic system will permit the Inuit and the Miskitu-nani the necessary independence to develop their own economic agenda; the extent to which the social contradictions characteristic of capitalism will affect the new territories; the extent to which the Indigenous leadership will encourage and struggle for the termination on the state of dependency of Indigenous individuals within the autonomous territories; and the extent to which the central and federal governments will continue to support Inuit and Miskitu-nani initiatives to decolonize and assume a healthy role within the larger society. All of these are variables which cannot be fully assessed at this point.

Self-determination and self-government will, undoubtedly, assume different meanings for the Miskitu-nani and the Inuit. In the world-system theory and looking at the economic conditions of both, Nicaragua is placed in the periphery of the world economy. It is one of the poorest countries of the region, with little financial flow in terms of trade and its balance of payments. On the other hand, Canada belongs to the core of the powerful countries. It is a member of the G-7 and it still has tremendous economic potential. This imbalance between the two countries should be reflected in the capacity of the Indigenous peoples in question to generate and achieve their autonomous development. However, both countries are subject to the restraints put forward by the main unit of economic and political coercion and social decision-making which is the world-system, namely capitalism. Nation-states, by and large, have lost the power to assure economic and social decision-making. This begs the question: Given these conditions, can the Inuit and the Miskitu-nani pursue freely their political, economic and social future? The answers cannot be given at this point.

The *Nunavut Agreement* and the *Law of Autonomy* can be looked upon as providing an important precedent or model for subsequent agreements both in Canada and Nicaragua that might strengthen Aboriginal rights. It is important to note from the experience and negotiations of the Inuit and the Miskitu-nani that Indigenous peoples are rising to demand their rightful place on earth. In time they should prevail. *Pachakamaq* has commanded again: *Aliriña*.

NOTES

1. "Draft declaration of principles proposed by the Indian Law Resource Centre, Four Directions Council, National Aboriginal and Islander Legal Service, National Indian Youth Council, Inuit Circumpolar Conference, and the International Indian Treaty Council." U.N. E/CN.4/Sub.2/1985/22.

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APPENDIX “A”: TABLES

TABLE I. Comparative Data Between Canada and Nicaragua.

Area of Canada:	Area of Nicaragua:
9,970,610 sq km	129,640
Area of Nunavut:	Area of Autonomous Regions:
1,900,000 sq km	631,000 sq km (Zelaya —RAAN: 55,900 sq km) and Rio San Juan —RAAS: ¹ 7,200 sq km
Total Population in Canada:	Total Population in Nicaragua:
25,000,000	3,272,100
Total Population in Nunavut:	Total Population in Autonomous Regions:
Approx. 22,000	Approx. 290,000
Total Inuit Population in Nunavut:	Total Miskitu Population in the RAAN:
Approx. 17,500	Approx. 80,000
Languages spoken:	
Inuktitut, Inuinnaqtun, English	Miskitu, Sumo, Rama, Creole (English), Spanish
Population in major centres:	
Grise Fiord: 130	Waspan: 34,000
Coppermine: 1,200	Pto. Cabezas: 46,685
Rankin Inlet: 1,800	Bonanza: 8,690
Resolute: 166	Siuna: 42,669
	Rosita: 28,352

¹ RAAN stands for *Región Autónoma del Atlántico Norte* (North Atlantic Autonomous Region) and RAAS stands for *Región Autónoma del Atlántico Sur*.

TABLE 2. Percentage of Ethnic Composition on the North Atlantic Coast.

Municipality	Indigenous Population (%)				
	Population in 1989	Mestizos	Sumus	Miskitu-nani	Creoles
Waspan	34,000	--	4.0	96.0	--
Puerto Cabezas	46,685	11.0	--	83.0	6.0
Bonanza	8,690	60.0	20.0	15.0	5.0
Siuna	42,569	91.0	1.0	7.0	1.0
Rosita	20,352	55.0	15.0	29.0	1.0
Total²	160,376				

Source: Humboldt Research Centre, 1991.

TABLE 3. Territorial Extension of the Municipalities in the RAAN

Municipalities	Surface (km2)	Percentage (%)
Waspan	8,133	25.29 %
Puerto Cabezas	5,787	17.99 %
Bonanza	2,039	6.34 %
Siuna	4,238	13.18 %
Rosita	10,671	34.57 %
TOTAL	32,159	100.00 %
[REAL TOTAL:	30,868]	

Source: Proyecto de Ley de Demarcación Territorial de la Región Autónoma del Atlántico Norte (RAAN). Centro Humboldt, 1990.

² NOTE that the Real Total is 152,296. Even if adding the urban and rural population of Rosita as shown in Table 3, the total should be 156,196.

TABLE 4. POPULATION BY MUNICIPALITY (1991)

Municipality	Surface	Population		
	Km2	Total	Urban	Rural
Waspan	8,133	34,000	15,640	18,360
Puerto Cabezas	5,787	46,685	36,881	9,804
Bonanza	9,181	8,690	3,737	4,953
Siuna	4,238	42,649	25,116	17,553
Rosita	10,671	20,352	4,274	20,078
Total³	30,868	160,376	85,648	74,728

Source: Humboldt Research Centre, 1991,

³ Note the that real total surface is 38,010 km. And total population is 152,296 inhabitants. The discrepancy shows when adding the urban and rural population of Rosita, which is supposed to be 24,252 instead of 20,352 as shown in the total.

Compare this Table with the previous. The surface of the municipality changes, but the actual adding of the figures is also wrong.

This blunder becomes more amazing because this figures are used by most social scientists. "Coleen Littlejohn and Justiniano Liebl from CAPRI, Aníbal Romero [should be **Ramírez**] y **Amado Ordoñez** from Centro Humboldt" were in charge of the final revision of the book and the research and the financing came from the Dutch Agency for Development, NOVIB, the InterAmerican Foundation and the German NGO, EIRENE. To this, one must add the authorities of the Autonomous Regional Government and the visited communities who, "are guaranty of the information given here." "Presentation," p. xiii. Centro Alexander Von Humboldt and Centro de Apoyos a Programas y Proyectos (CAPRI), El Desafío de la Autonomía: **Región Autónoma del Atlántico Norte**, (Managua: El Amanecer, 1992).

APPENDIX "B"

ARTICLE 37 [NUNAVUT] IMPLEMENTATION

PART 1: GUIDING PRINCIPLES [of the Implementation Plan]

37.1.1 The following principles shall guide the implementation of the Agreement and shall be reflected in the Implementation Plan:

- (a) there shall be an ongoing process for Inuit and Government to plan for and monitor the implementation of the Agreement which shall mirror the spirit and intent of the Agreement and its various terms and conditions;
- (b) implementation shall reflect the objective of the Agreement of encouraging self-reliance and the cultural and social well-being of Inuit;
- (c) timely and effective implementation of the Agreement with active Inuit participation, including those provisions for training, is essential for Inuit to benefit from the Agreement;
- (d) to promote timely and effective implementation of the Agreement, Inuit and Government shall
 - (i) identify, for multi-year planning periods, the implementation funding which will be provided during any planning period, and
 - (ii) allow flexibility through an implementation panel to reschedule activities, and consistent with government budgetary process, to re-allocate funds within the planning period; and
- (e) reflecting the level of independence and the authorities of the NWMB and the other institutions of public government identified in Article 10, the funding arrangements for implementation of the Agreement shall
 - (i) provide those institutions with a degree of flexibility to allocate, re-allocate and manage funds within their budgets, no less than that generally accorded to comparable agencies of Government,
 - (ii) provide those institutions with sufficient financial and human resources to plan for and carry out the duties and responsibilities assigned to them in the Agreement in a professional manner with appropriate public involvement,

(iii) require those institutions to follow normally accepted management and accounting practices, and

(iv) ensure the accountability of those institutions for expenditure of their resources in fulfilling their obligations under the Agreement.

PART 2: IMPLEMENTATION PLAN

37.2.1 There shall be an Implementation Plan developed and approved by the Tunngavik Federation of Nunavut, the Government of Canada and the Territorial Government prior to the date of ratification of the Agreement.

37.2.2 The Implementation Plan shall identify:

- (a) the ongoing and time limited obligations, specific activities, and projects required to implement the Agreement;
- (b) which obligations, specific activities and projects the DIOs, the Government of Canada and the Territorial Government are, respectively or jointly, responsible for carrying out;
- (c) where appropriate, time frames for the completion of the obligations, specific activities, and projects;
- (d) the funding levels for implementing the Agreement for the ten-year period following the ratification of the Agreement;
- (e) as agreed to from time to time by the parties to the Plan, the obligations and funding levels for implementing the Agreement for successive multi-year periods;
- (f) the authority of the Implementation Panel to revise the schedule of implementation activities and the allocation of resources in the Plan without requiring amendment to the Plan; and
- (g) a communication and education strategy to inform Inuit and interested third parties of the content and implementation of the Agreement.

37.2.3 All provisions of the Implementation Plan shall be consolidated into a contract except as otherwise agreed by the parties to the Plan.

- 37.2.4 Amendments to the Implementation Plan shall require written consent of the parties to the Plan;
- 37.2.5 The Implementation Plan shall be appended to but not form part of the Agreement, and the Plan is not intended to be a land claims agreement within the meaning of Section 35 of the Constitution Act, 1982.
- 37.2.6 The provisions of this Article or of the Implementation Plan identifying the obligations and responsibilities of any Minister, official or agent of the Crown acting on behalf of the Government of Canada or the Territorial Government shall not be interpreted so as to derogate from obligations of Her Majesty under the Agreement or so as to alter, directly or indirectly, the respective jurisdiction of the Government of Canada and the Territorial Government.

PART 3: IMPLEMENTATION PANEL

- 37.3.1 Within sixty days of the date of ratification of the Agreement, an Implementation Panel shall be established.
- 37.3.2 The Implementation Panel shall be composed of four members: one senior official representing the Government of Canada, one senior official representing the Territorial Government and two individuals representing the DIO.
- 37.3.3 The Implementation Panel shall:
- (a) oversee and provide direction on the implementation of the Agreement;
 - (b) monitor the implementation of the Implementation Plan, determining whether the ongoing and time-limited obligations, specific activities, and projects have been and are being carried out in accordance with the Plan and in the context of the Agreement and shall for that purpose, without duplicating other independent reviews, arrange for an independent review at five-year intervals unless otherwise agreed by the Panel;
 - (c) monitor the development of the Implementation Training Plan;
 - (d) accept or reject, with direction as appropriate, the Implementation Training Plan and monitor its operation when accepted;

- (e) attempt to resolve any dispute that arises between the DIO and Government regarding the implementation of the Agreement, without in any way limiting the opportunities for arbitration under Article 38 of legal remedies otherwise available;
- (f) when it deems necessary, revise the schedule of implementation activities and allocation of resources in the Implementation Plan, obtaining consent of the parties to the Plan where such revision requires and amendment to the Plan;
- (g) make recommendations to the parties to the Implementation Plan respecting the identification of funding levels for implementing the Agreement for multi-year periods beyond the initial ten-year period; and
- (h) prepare and submit an annual public report on the implementation of the Agreement including any concerns of any of the Panel members,
 - (i) to the Leader of the Territorial Government for tabling in the Legislative Assembly,
 - (ii) to the Minister of Indian Affairs and Northern Development for tabling in the House of Commons, and
 - (iii) to the DIO.

37.3.4 The costs of the Implementation Panel shall be funded by the Government of Canada except that each of the governments and the DIO shall be responsible for the costs and expenses of its members.

37.3.5 All decisions of the Implementation Panel shall be by unanimous agreement of all members.

PART 4: IMPLEMENTATION FUND

37.4.1 The Inuit Implementation Fund shall be established upon ratification of the Agreement, and shall be administered by the Nunavut Trust as a charitable trust.

37.4.2 The Inuit Implementation Fund shall be used to:

- (a) assist the Tunngavik to establish the entities required for Inuit to carry out their responsibilities in implementing the Agreement; and
- (b) assist Inuit to take advantage of the opportunities, including economic opportunities, arising from the Agreement.

37.4.3 Upon ratification of the Agreement, the Government of Canada shall provide \$4,000,000 of implementation funding to the Nunavut Trust, as capital for the Inuit Implementation Fund. Inuit shall be responsible for any implementation costs incurred by Inuit in excess of amounts available from the Fund. However, nothing in this provision shall prevent the Fund from receiving donations, grants or funds from other sources.

PART 5: NUNAVUT IMPLEMENTATION TRAINING COMMITTEE

37.5.1 The Nunavut Implementation Training Committee (NITC) shall be established within three months of ratification of the Agreement, and will consist of seven members to be appointed as follows:

- (a) the Tunngavik and four other **DIOs** shall each appoint one member; and
- (b) Government shall appoint two members, one of whom is a senior official with authority to represent the Government of Canada in respect of training and education matters and one whom is a senior official with authority to represent the Territorial Government in respect of training and education matters.

37.5.2 The NITC shall:

- (a) be trustees of the Implementation Training Trust established under Part 8 and administer it as a charitable trust;
- (b) develop guidelines for the expenditure of money from the Implementation Training Trust;
- (c) direct the Inuit Implementation Training Study as outlined in Part 6;
- (d) establish principles to guide the development of the Implementation Training Plan;
- (e) develop the Implementation Training Plan;

- (b) identify the necessary skills and qualifications required for positions identified in Sub-section (a); and
- (c) identify implementation training requirements for Inuit respecting the position identified in Sub-section (a), in the short and long term, utilizing any available labour force data analysis.

37.6.5 The conduct of the Inuit Implementation Training Study may be coordinated with the conduct of the Inuit labour force analysis conducted pursuant to Section 23.3.1 or other studies of Inuit training requirements.

PART 7: IMPLEMENTATION TRAINING PLAN

37.7.1 An Implementation Training Plan shall be developed by the NITC to address the implementation training requirements identified under the Inuit Implementation Training Study.

37.7.2 The Implementation Training Plan shall identify:

- (a) existing Government training programs which, within their existing budgets, meet Inuit implementation training requirements identified under Section 37.7.1; and
- (b) training initiatives to be funded from the Implementation Training Trust where Inuit training requirements identified under Section 37.7.1 cannot be met under Sub-section (a).

37.7.3 The implementation of the Implementation Training Plan may be coordinated with broader Inuit training initiatives.

37.7.4 The NITC shall forward a copy of its Implementation Training Plan to the Implementation Panel for its review and acceptance.

PART 8: IMPLEMENTATION TRAINING TRUST

37.8.1 The DIO shall establish an Implementation Training Trust.

37.8.2 The object of the Implementation Training Trust shall be to fund the functions of the NITC including:

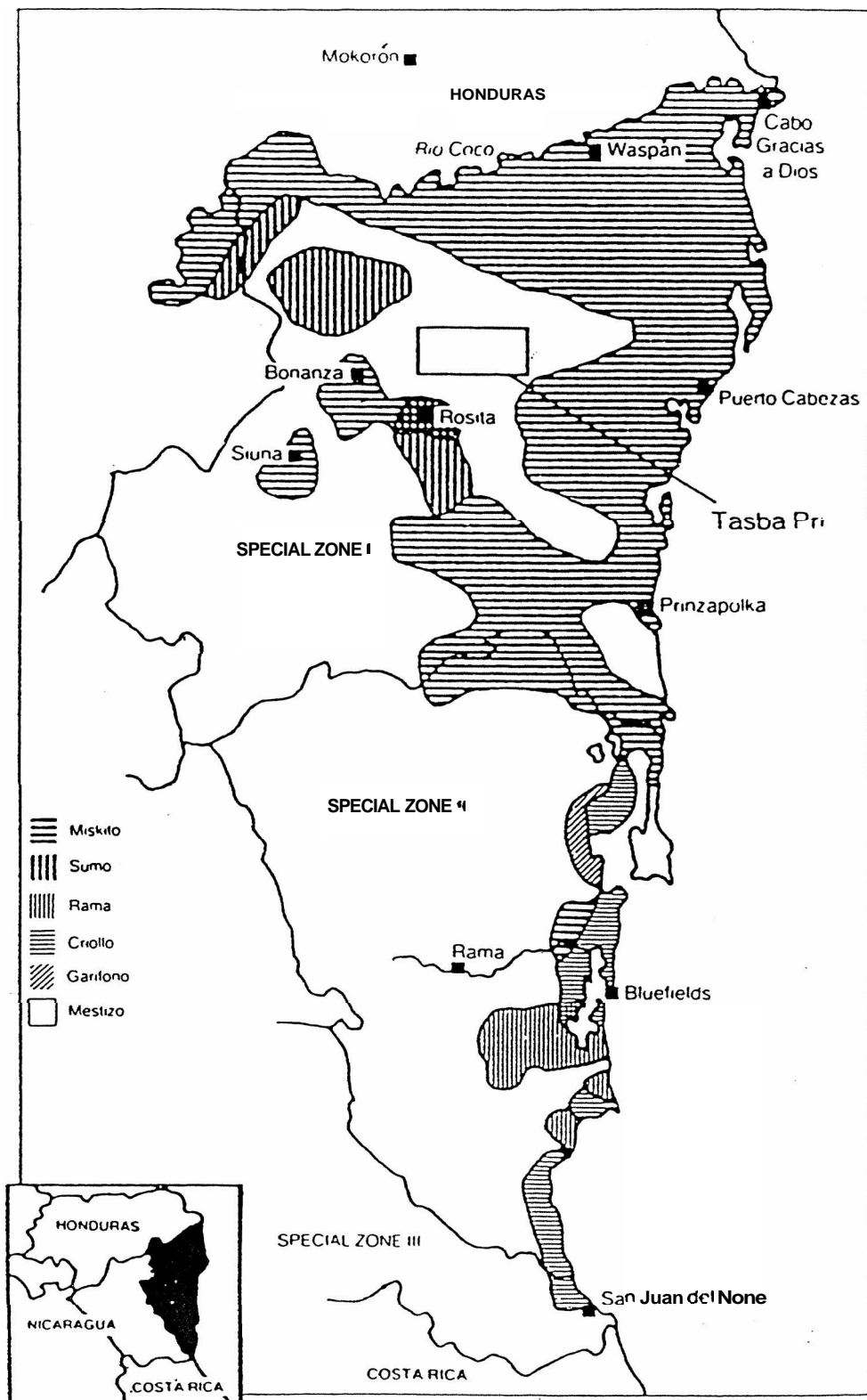
- (a) the Inuit Implementation Training Study;
- (b) the development of the Implementation Training Plan;

- (c) training in accordance with the Implementation Training Plan; and
 - (d) the functions of the NITC, including the reasonable costs associated with the administration of the Trust, except that each Government and DIO shall be responsible for the costs and expenses of its own member.
- 37.8.3 On establishment of the Implementation Training Trust or ratification of the Agreement, whichever occurs later, the Government of Canada shall contribute \$13,000,000 of implementation funding the Implementation Training Trusts. Nothing in this provision shall prevent the Trust from receiving donations, grants or funds from other sources.

PART 9: GENERAL

- 37.9.1 Except as expressly provided in the Agreement, Government shall have no obligation pursuant to the Agreement to fund training for Inuit.
- 37.9.2 Parts 5 to 8 do not apply in respect of training for the purpose of Article 23, but implementation training may be coordinated with any training under pre-employment training plans developed under Article 23.
- 37.9.3 Nothing in this Article shall be construed to limit the obligations of Government under Article 23 or affect the ability of Inuit to participate in and benefit from government training programs existing from time to time.

APPENDIX "C"



Ethnic Map of the Atlantic Coast (Mosquitia) of Nicaragua, from *Latin American Perspectives* 14.1 (Winter 1987) 44.

NUNAVUT TERRITORY LE TERRITOIRE DU NUNAVUT

INUIT OWNED LANDS

Scale 1 : 12 000 000

LEGEND

Nunavut Settlement Area

See Article 3 and Schedule 3:1 of the Agreement for full description

High Arctic Area Exempt from Inuit Land Ownership

See Section 19.2.6 and Schedule 19-1 of the Agreement for full description

Inuit Owned Lands (Total sq. km. 355 842)

Surface only excluding minerals

Sub-section 19.2.1(b)

(Total sq. km. 317 972)

Surface and Subsurface including minerals

Sub-section 19.2.1(a)

(Total sq. km. 37 870)

Crown (Public) Lands

All other lands are Crown lands. Inuit have the right to hunt, trap, fish and participate in the management of all these lands. Please see the Agreement for more details.

Prepared by Nunavut Tunngavik Incorporated and JLC Repro Graphic Inc.

TERRES INUIT

Échelle 1 : 12 000 000

LÉGENDE

Région du Nunavut

Pour plus de détails, voir l'article 3 et l'annexe 3:1 de l'accord

Région de l'Arctique non assujettie aux droits de propriété des Inuit sur les terres

Pour plus de détails, voir les alinéas 19.2.6 et l'annexe 19.1.

Terres Inuit (Total 355 842 km carrés)

Superficie excluant les minéraux

Alinéa 19.2.1(b)

(Total 317 972 km carrés)

Surface et sous-surface incluant les minéraux

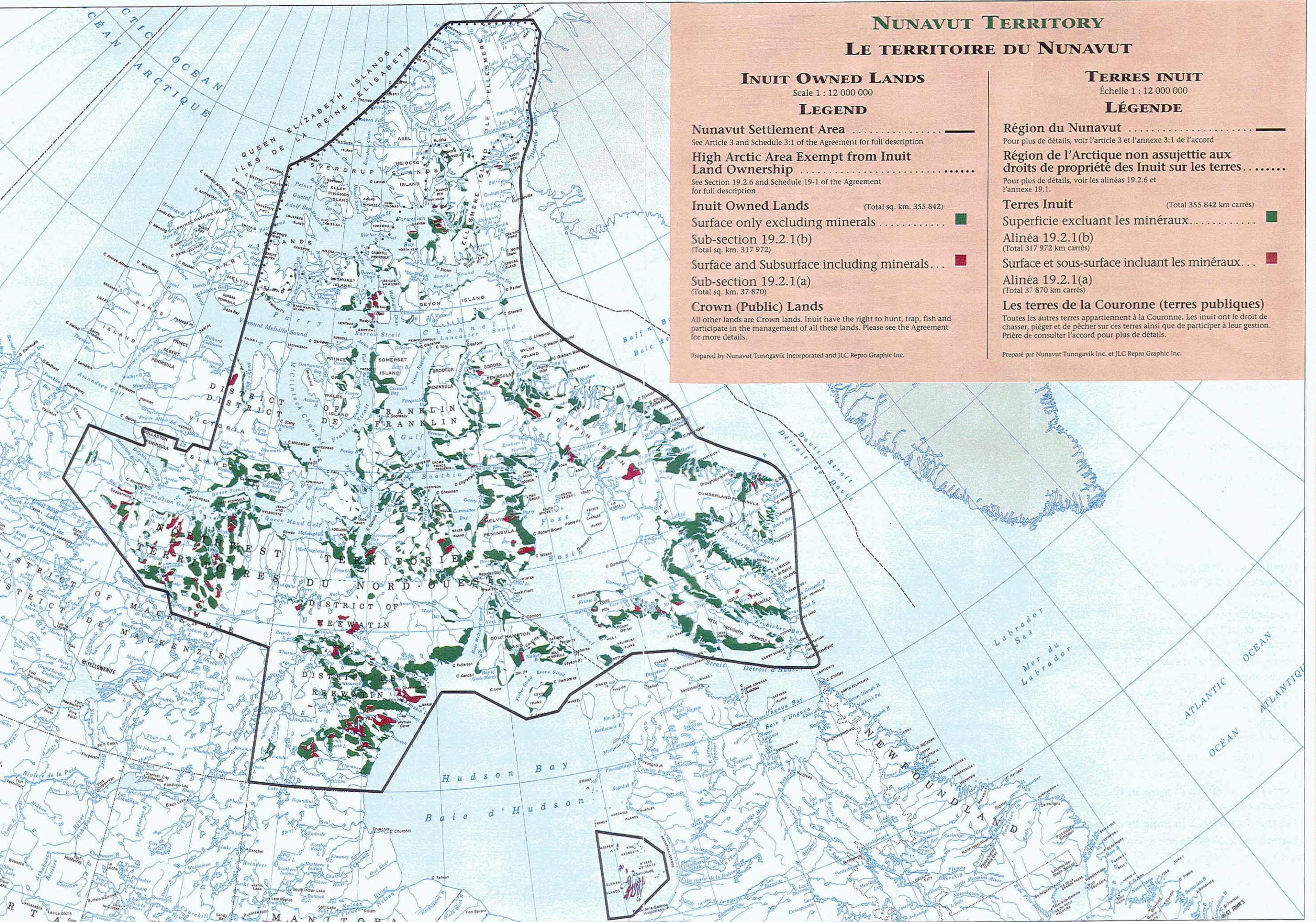
Alinéa 19.2.1(a)

(Total 37 870 km carrés)

Les terres de la Couronne (terres publiques)

Toutes les autres terres appartiennent à la Couronne. Les Inuit ont le droit de chasser, piéger et de pêcher sur ces terres ainsi que de participer à leur gestion. Prière de consulter l'accord pour plus de détails.

Préparé par Nunavut Tunngavik Inc. et JLC Repro Graphic Inc.



APPENDIX 'D'

"Draft declaration of principles proposed by the Indian Law Resource Centre, Four Directions Council, National Aboriginal and Islander Legal Service, National Indian Youth Council, Inuit Circumpolar Conference, and the International Indian Treaty Council." U.N. E/CN.4/Sub.2/1985/22.

1. Indigenous nations and peoples have, in common with **all** humanity, the right to life, and to freedom from oppression, discrimination, and aggression.
2. All indigenous nations and peoples have the right to self-determination, by virtue of which they have the right to whatever degree of autonomy or self-government they choose. This includes the right to freely determine their political status, freely pursue their own economic, social, religious and cultural development, and determine their own membership and/or citizenship, without external interference.
3. No state shall assert any jurisdiction over an indigenous nation or people, or its territory, except in accordance with the freely expressed wishes of the nation or people concerned.
4. Indigenous nations and peoples are entitled to the permanent control and enjoyment of their aboriginal ancestral-historical territories. This includes surface and subsurface rights, inland and coastal waters, renewal and non-renewable resources, and the economies based on these resources.
5. Rights to share and use land, subject to the underlying and inalienable title of the indigenous nation or people, may be granted by their free and informed consent, as evidenced in a valid treaty or agreement.
6. Discovery, conquest, settlement on a theory of *terra nullius* and unilateral legislation are never legitimate bases for States to claim or retain the territories of indigenous nations or peoples.
7. In cases where lands taken in violation of these principles have already been settled, the indigenous nation or people concerned is entitled to immediate restitution, including compensation for the loss of use, without extinction of original title. Indigenous peoples' desire to regain possession and control of sacred sites must always be respected.
8. No State shall participate financially or militarily in the involuntary displacement of indigenous populations, or in the subsequent economic exploitation or military use of their territory.
9. The laws and customs of indigenous nations and peoples must be recognized by States' legislative, administrative and judicial institutions and, in case of conflicts with State laws, shall take precedence.
10. No State shall deny an indigenous nation, community, or people residing within its borders the right to participate in the life of the State in whatever manner and to whatever degree they may choose. This includes the right to participate in other forms of collective action and expression.
11. Indigenous nations and peoples continue to own and control their material culture, archeological, historical and sacred sites, artifacts, designs, knowledge, and works of art. They have the right to regain items of major cultural significance and, in all cases,

to the return of the human remains of their ancestors for burial in accordance with their traditions.

12. Indigenous nations and peoples have the right to be educated and conduct business with States in their own languages, and to establish their own educational institutions.

13. No technical, scientific or social investigations, including archeological excavations, shall take place in relation to indigenous nations or peoples, or their lands, without their prior authorization, and their continuing ownership and control.

14. The religious practices of indigenous nations and peoples shall be fully respected and protected by the laws of States and international law. Indigenous nations and peoples shall always enjoy unrestricted access to, and enjoyment of sacred sites in accordance with their own laws and customs, including the right of privacy.

15. Indigenous nations and peoples are subjects of international law.

16. Treaties and other agreements freely made with indigenous nations or peoples shall be recognized and applied in the same manner and according to the same international laws and principles as treaties and agreements entered into with other States.

17. Disputes regarding the jurisdiction, territories and institutions of an indigenous nation or people are a proper concern of international law, and must be resolved by mutual agreement or valid treaty.

18. Indigenous nations and peoples may engage in self-defence against State actions in conflict with their right to self-determination.

19. Indigenous nations and peoples have the right freely to travel, and to maintain economic, social, cultural and religious relations with each other across State borders.

20. In addition to these rights, indigenous nations and peoples are entitled to the enjoyment of all the human rights and fundamental freedoms enumerated in the International Bill of Human Rights and other United Nations instruments. In no circumstances shall they be subject to adverse discrimination.

APPENDIX "E"

Main Classifications of Blood Mixing in America

This list includes mixtures of Spanish, Negro and Aboriginal peoples only.

Race A	+	Race B	=	Race C
Spanish		Indian		Mestizo
Spanish		Mestizo		Castizo or Quadroon
Mestizo		Indian		Tresalbo
Spanish		Negro		Mulatto
Spanish		Mulatto		Morisco o tercerón
Spanish		Tercerón		Albino (chino) o Cuarterón
Spanish		Cuarterón		Torna Atrás (Turn backwards)
Quinterón		Indian		Lobo
Spanish		Quinterón		Spanish
Lobo		Indian		Sambayo
Sambayo		Indian		Cambujo
Cuarterón		Mulatto		Salto Atrás (leap backwards)
Tercerón		Negro		Salto Atrás (leap backwards)
Tercerón		Mulatto		Tente en el aire (Hanging in the air?)
Tercerón		Cuarterón		Tente en el aire (Hanging in the air?)
Mulatto		Mulatto		Cholo
Indian		Negro		Zambo
Cambujo		Mulatto		Albarazado
Albarazado		Mulatto		Barcino
Barcino		Mulatto		Coyote
Coyote		Indian		Chamiso

Source: "Principales clasificaciones de cruzamientos de sangre en América — Main Classifications of Blood Mixing in America," *Almanaque Mundial* 1992: *Diccionario Geográfico* (Virginia Gardens, Fla.: Editorial América, 1992), 148.

APPENDIX "F"

Excerpts of the Nicaraguan Constitution

TITLE IV RIGHTS, DUTIES AND GUARANTEES OF THE NICARAGUAN PEOPLE CHAPTER 6 RIGHTS OF THE COMMUNITIES OF THE ATLANTIC COAST

- Art.11 Spanish is the official language of the state. The languages of the Communities of the Atlantic Coast shall also have official use in the cases established by law.
- Art.89 The Communities of the Atlantic Coast are indivisible parts of the Nicaraguan people, enjoy the same rights and have the same obligations as all Nicaraguans.
The Communities of the Atlantic Coast have the right to preserve and develop their cultural identities within the framework of national unity, to be granted their own forms of social organization, and administer their local affairs according to their traditions.
The state recognizes the communal forms of land ownership of the Communities of the Atlantic Coast and their enjoyment, use and benefit of the waters and forests of these communal lands.
- Art.90 The Communities of the Atlantic Coast have the right to the free expression and preservation of their languages, art and culture. The development of their culture and values enriches the national culture. The state shall create special programs to enhance the exercise of these rights.
- Art.91 The state is obligated to enact laws promoting and assuring that no Nicaraguan shall be the object of discrimination for reasons of language, culture or origin.

See Kenneth J. Mijeski, ed., *The Nicaraguan Constitution of 1987: English Translation and Commentary* (Athens, Ohio: Ohio University Center for International Studies. Latin American Series, no. 17, 1991), 28, 45-46.